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MATT BLUNT

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 24—Drivers License Bureau Rules

EMERGENCY AMENDMENT

12 CSR 10-24.448 Proof of Identity and Proof of Social Security Number Required for Issuance of a Driver['s] or Nondriver['s] License. The director proposes to amend the title and section (2).

PURPOSE: This amendment requires driver license office personnel to ask for additional documentation when using a previously stored image to verify identification of a driver license, nondriver license, or instruction permit applicant.

EMERGENCY STATEMENT: This proposed emergency amendment is required to minimize the risk of fraudulently issued driver licenses, nondriver licenses and instruction permits. The current regulation requires that a clerk verify the previous image of a license applicant and provides no ability for the clerk to ask for additional documentation when the clerk is unable to distinguish if the previous image matches the applicant. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of additional documentation that is required for verifying their identity in the event that the applicant does not have his or her previous driver license, nondriver license, or instruction

permit at the time of application for a duplicate or renewal license or permit. The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the *Missouri* and *United States Constitutions*. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed December 16, 2002, effective December 26, 2002, expires June 23, 2003.

(2) A renewal applicant is required to show only his or her current driver['s] or nondriver['s] license. If the license is unavailable, the license office clerk must obtain the digital image of the applicant's previous license transaction where a comparison of the image on the file can be made to the person in the office and **require one (1) secondary document**, or the clerk must require the applicant to submit two (2) primary documents or one (1) primary and one (1) secondary document for proof of identity.

AUTHORITY: section 302.171, RSMo [Supp. 1997] 2000. Original rule filed March 27, 1998, effective Sept. 30, 1998. Emergency amendment filed Dec. 16, 2002, effective Dec. 26, 2002, expires June 23, 2003. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 35—Dental Program

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the Department of Social Services, Division of Medical Services, under sections 208.152, 208.153, and 208.201, RSMo 2000, the division hereby terminates an emergency amendment effective December 17, 2002 as follows:

13 CSR 70-35.010 Dental Benefits and Limitations, Medicaid Program is terminated.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on July 15, 2002 (27 MoReg 1174-1176).

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 10—Office of the Director Chapter 4—Coordinated Health Care Services

EMERGENCY AMENDMENT

19 CSR 10-4.020 J-1 Visa Waiver Program. The department proposes to amend subsections (1)(A) and (1)(B) and (1)(C); delete paragraphs (2)(A)10. and 11. and to renumber the affected paragraphs; amend section (5); amend subsection (6)(B); amend section (14); and delete Appendices A, B, C and D.

PURPOSE: This amendment is to amend: 1) the ability and the criteria necessary for physicians trained in other specific high need specialties besides primary care to participate in the J-1 Visa Program; 2) the documentation required by applicants; 3) prioritization of certain specialties; and 4) the application and reporting requirements for facilities that participate in the J-1 Visa Program.

EMERGENCY STATEMENT: *This emergency amendment is to amend: 1) the ability and the criteria necessary for physicians trained in other specific high need specialties besides primary care to participate in the J-1 Visa Program; 2) the documentation required by applicants; 3) prioritization of certain specialties; and 4) the application and reporting requirements for facilities that participate in the J-1 Visa Program. The J-1 Visa program allows physicians to practice in medically underserved areas. Each of these amendments directly affects the eligibility of physicians and facilities employing such physicians to participate in the J-1 Visa program. The federal government has increased the number of waivers allocated to each state from twenty (20) to thirty (30). Many of the physicians eligible for this waiver and recruited by the communities in need, but not selected in the first twenty (20), will have to leave the country or enroll in an additional training program, in order to stay in the country. If this happens, many communities will lose their opportunity to enhance access to needed health care services, and have to start their recruitment activities over again, extending the time these communities are without the needed medical services and incurring additional recruiting expenses. Absent this emergency amendment, the department will be precluded from placing selected high need specialties, many of them pediatric specialists, in underserved communities and facilities. As a result, the department finds an immediate danger to the public health, safety or welfare and is necessary to preserve a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. The emergency amendment was filed on December 16, 2002, effective December 26, 2002 and expires June 23, 2003.*

(1) The following definitions shall be used in the interpretation and enforcement of this rule:

(A) Department means the Missouri Department of Health and Senior Services;

(B) Director means the director of the Missouri Department of Health and Senior Services; and

(C) Health professional shortage area (HPSA) means those counties or parts of counties designated by the United States Department of Health and Human Services as having a shortage of [primary care] physicians as published in the *Code of Federal Regulations*.

(2) The department is committed to assisting all residents of Missouri to have access to quality, affordable health care. Therefore, under certain conditions, the department is prepared to consider recommending a waiver of the foreign residence requirement on behalf of physicians holding J-1 visas.

(A) A waiver request must come from a Missouri health care facility on behalf of a J-1 physician and not directly from a J-1 physician. All of the required information and documentation must be submitted in a single package with the documents presented in the order in paragraphs (2)(A)1.-14. Waiver requests that do not comply with these requirements will not be considered. The required documents include:

1. A letter from the head of the facility at which the physician will be employed that—

A. Requests that the department act as an interested government agency and recommend a waiver for the J-1 physician;

B. Summarizes how the health care facility has attempted to locate qualified United States physicians;

C. Describes the physician's qualifications, proposed responsibilities and how his/her employment will satisfy important unmet health care needs of a medically underserved rural community; and

D. States unequivocally that the facility is offering the physician at least three (3) years of employment in a job consistent with the department's mission;

2. A detailed description of the health care facility will be provided, including the nature and extent of the facility's medical services;

3. Valid contract of employment with the health care organization for not less than three (3) years;

4. List of HPSAs or documentation from state and local health care officials stating need for services of the physician;

5. Recruitment and retention efforts including copies of advertisements, agreements with placements services or other like documentation, and if these are not available, a detailed statement describing recruitment efforts. A statement should be submitted detailing the plans for retaining the physician during and beyond the three (3)-year obligation;

6. Effect on area of waiver denial;

7. Qualifications, including proof of Missouri medical licensure eligibility;

8. Physician's curriculum vitae and letters of recommendation;

9. Copies of all IAP-66s of physician, copies of I-94s of physician and family members, and proof of passage of examinations required by the United States Immigration and Naturalization Service;

[10. Completed physician data sheet (attached as Appendix A);

11. Completed J-1 visa waiver policy affidavit and agreement (attached as Appendix B);]

[12.]10. Valid offer of employment with health care organization for at least three (3) years;

[13.]11. A copy of the notice from the department that the facility has been predetermined eligible for participation in the program; and

[14.]12. An original and one (1) unbound copy of the entire package should be included.

(5) The department's J-1 Visa Waiver Program in Missouri will give priority to those physicians who are board-eligible or board-certified in one (1) of the following specialties: Family Practice, General Practice, General Pediatrics, Obstetrics/Gynecology, [General Internal Medicine] or Psychiatry and providing services in a primary care clinical setting. [Physicians with other subspecialties or fellowship experience are not considered to be primary care physicians for the purpose of the J-1 Visa Waiver Program in Missouri.] The credentials of the J-1 physician must be confirmed by the Missouri Board of Healing Arts. The physician must be eligible for licensure in Missouri.

(6) In addition to the eligible physicians set forth in section (5), waivers may be recommended for other specialties and subspecialties.

(B) [Only four (4) slots will be allocated to specialty placements in any given program year.] The number of specialty placements in any given program year will be determined by the quantifiable need for health care services in the state as a whole and the identified placement community.

(14) In order to assist and facilitate the placement of [primary care] practitioners in designated HPSAs in Missouri, the department will provide, upon request, the following information:

AUTHORITY: section 191.411.1, RSMo [1994] Supp. 2001. This rule was previously filed as 19 CSR 50-4.020. Emergency rule filed April 17, 1995, effective April 27, 1995, expired Aug. 24, 1995. Original rule filed April 17, 1995, effective Oct. 30, 1995. Changed to 19 CSR 10-4.020 July 30, 1998. Emergency amendment filed Sept. 19, 2000, effective Sept. 29, 2000, expired March 27, 2001. Amended: Filed Sept. 19, 2000, effective Feb. 28, 2001. Emergency amendment filed Dec. 16, 2002, effective Dec. 26, 2002, expires June 23, 2003. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases**

EMERGENCY AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases. The Department of Health and Senior Services proposes to amend section (1) and add a new subsection (1)(C).

PURPOSE: *This amendment adds the requirement to report infections and adverse reactions due to smallpox inoculation.*

EMERGENCY STATEMENT: *This emergency amendment updates the list of reportable communicable diseases/conditions to include infections and adverse reactions related to smallpox inoculation. This emergency amendment is necessary to protect the public health, safety and welfare because of the increased likelihood of the intentional release of smallpox virus into the United States civilian population through bioterrorist activities. In preparation for such a release, the federal Centers for Disease Control and Prevention (CDC) has proposed a mass smallpox inoculation program for high-risk individuals. Inoculations may be accompanied by adverse reactions and/or secondary transmission of the vaccine virus, and a surveillance system is needed to track these conditions. Reporting of these conditions by states to CDC will be mandatory. CDC is expected to finalize and disseminate its national smallpox inoculation program by January 2003 and inoculations will begin within sixty (60) days of the dissemination date. This is insufficient time to amend Missouri's reporting rule through the normal process. As a result, the Department of Health and Senior Services finds an immediate danger to the public health, safety, or welfare and it is necessary to preserve a compelling governmental interest, which requires that infections and adverse reactions due to smallpox inoculation be added to this rule by emergency action. Failure to report these conditions could result in their proliferation through human populations with adverse affects on health and/or subsequent death. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed December 16, 2002, effective December 26, 2002, and expires June 23, 2003.*

(1) Category I diseases or findings shall be reported to the local health authority or to the Department of Health and Senior Services within twenty-four (24) hours of first knowledge or suspicion by telephone, facsimile or other rapid communication. Category I diseases or findings are—

(C) Diseases, findings or adverse reactions that occur as a result of inoculation to prevent smallpox, including but not limited to the following:

Accidental administration

Accidental implantation (inadvertent autoinoculation)

Bacterial infection of site of inoculation

Congenital vaccinia

Contact vaccinia (i.e., vaccinia virus infection in a contact of a smallpox vaccinee)

Eczema vaccinatum

Erythema multiform

Generalized vaccinia

Post-vaccinial encephalitis

Progressive vaccinia (vaccinia necrosum, vaccinia gangrenosa, disseminated vaccinia)

Vaccinia keratitis

AUTHORITY: *sections 192.006, [RSMo Supp. 1999 and] 192.020, 192.139, 210.040 and 210.050, RSMo [1994] 2000. This rule previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 16, 2002, effective Dec. 26, 2002, expires June 23, 2003. A proposed amendment covering the same material is published in this issue of the Missouri Register.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION Division 40—Purchasing and Materials Management Chapter 1—Procurement

PROPOSED RULE

1 CSR 40-1.090 Waiver of Procedures Contained in Chapter 34, RSMo, Related to Cost and Pricing

PURPOSE: This rule waives the procedures in Chapter 34, RSMo, related to cost and pricing for the purchase of services for patients, residents, and clients.

(1) The commissioner of administration has determined that the Department of Mental Health's services for its patients, residents and clients can best be purchased by the department with funds appropriated for that purpose and waives procedures of Chapter 34, RSMo, related to cost and pricing, so that the department may eval-

uate competitive proposals on the basis of quality and other variables exclusive of price.

AUTHORITY: section 630.405.5, RSMo Supp. 2001. Original rule filed Nov. 26, 2002.

PUBLIC COST: This proposed rule is anticipated to cost state agencies and political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule is anticipated to cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may submit comments in support of or opposition to this proposed rule. In preparing your comments, please include the regulatory citation and the Missouri Register page number. Please explain why you agree or disagree with the proposed change and include alternative language. Comments may be mailed or faxed to Mr. Jim Miluski, Office of Administration, PO Box 809, Jefferson City, MO 65102. The fax number is (573) 526-5985. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 1—Wildlife Code: Organization

PROPOSED AMENDMENT

3 CSR 10-1.010 Organization and Methods of Operation. The commission proposes to amend sections (2) and (3) of this rule.

PURPOSE: This amendment outlines organizational changes as approved by the Conservation Commission at its August 21, 2002 meeting.

(2) The commission appoints a director who serves as the administrative officer of the Department of Conservation. The director appoints other employees and is assisted by a deputy director-**field** and a deputy director-**administration** with programs and activities carried out by the divisions of fisheries, wildlife, forestry, protection, *[design and development,]* outreach and education, administrative services, private land services, *[natural history]* science and human resources. An assistant director **supervises the policy coordination section**, and provides leadership for special projects and initiatives as assigned by the director; notably legislative liaison*[,]* and partnerships with other entities*[,] etc[.]*

(3) The department carries out its programs through the following major administrative units:

[(E) Design and Development administers the department's construction/development program and is responsible for development of areas owned and/or leased by the department. The staff consists of professional engineering, architecture, land surveying and support staff in the areas of drafting, computer applications, clerical and an in-house construction work force. All work is highly specialized in direct relation to the department's resource programs; typically, development of wetlands, reservoirs, hatcheries, buildings, nature centers, river and lake public use access areas, stream corridor improvements and hunter safety training facilities, including shooting ranges. Related services include property surveys of all department lands by registered surveyors, feasibility studies and provision of data for environmental

assessments. The cartography unit archives all department lands and produces department maps.]

[(F)] (E) Outreach and Education administers the department's public information and education programs. Education services and programs include operating nature and visitor centers, developing interpretive exhibits, administering urban fishing programs, teaching outdoor skills, acting as a clearing house for conservation education projects, and providing conservation education curricula, training and materials to teachers and youth leaders. Outreach produces the department's monthly magazine, popular and technical publications, radio and television programs and video productions; issues news releases and coordinates with new media. Metropolitan services in St. Louis, Kansas City and Springfield include coordinators and media information specialists who provide information to the public, work with urban personnel from other divisions to deliver services to the public, and assess public opinion on conservation issues and public demand for conservation programs.

[(G)] (F) Administrative Services administers the department's support services of information technology, [policy coordination, fiscal services and general services.] design and development, and business and support. Information technology provides directions and management of the department's information technology assets; defines technology solutions to meet business needs; supports employees' use of those assets], including computer hardware and software systems, telephone systems, two-way radio and other telecommunications systems; and coordination of those systems with other state agencies. [Policy coordination provides liaison with federal, state and private concerns on activities involving fish, wildlife and forestry resources; facilities and coordinates department strategic and other long-range planning; conducts constituency surveys; coordinates geographical information system functions; negotiates for purchase of real property; and manages in-lieu-of-tax payments.] Design and development administers the department's construction/development program and is responsible for development of areas owned and/or leased by the department. Related services include property surveys of all department lands by registered surveyors, feasibility studies and provision of data for environmental assessments. Business and support [Fiscal services] collects and processes funds received; processes accounts payable; distributes hunting, fishing and special permits; audits permit distributors; maintains inventory records, including the department's real property holdings; [and] coordinates federal aid programs and funds; coordinates/. General services is responsible for/ procurement, repair and disposition of fleet, aircraft, marine and other mechanical equipment; [management of the aircraft fleet; maintenance of] maintains a distribution center and warehouse for department publications/, products and media loan service; operation of/ ; operates offset printing, mailing and sign production services; and provides building and grounds maintenance.

[(H)] (G) Private Land Services provides technical assistance and resource training to private landowners; participates in media and other outreach efforts for resource management; coordinates with other governmental agencies and private organizations to integrate fish, forest, wildlife and natural community considerations with agriculture and other private land initiatives; provides cost-share to assist landowners with priority resource needs; and provides wildlife damage control assistance.

[(I)] (H) [Natural History administers the department's program; coordinates] Science Division is the center of the department's resource inventory, monitoring, and research. The division helps department area, regional, and issue managers understand and conserve the biological diversity of Missouri's fish, forests, and wildlife. Other programs administered by this division include water pollution impact investigations, natural areas designation and management, endangered species activities; [and provides] specialized service in natural history interpretation and

coordination of management for nonconsumptive uses of wildlife resources and lands.

[(J)] (I) Human Resources recruits employees; maintains personnel records, benefits and compensation; administers the group insurance program, workers' compensation and safety programs; conducts the affirmative action program and new employee orientation, as well as in-service training in human relations, personal communications and supervisory skills.

[(K)] (J) General Counsel provides legal advice to the commission and administrative staff; aids in formulating policy; advises in the formulation of regulations; and performs title search related to the acquisition of real property.

[(L)] (K) Internal Auditor reviews operations and programs to assure that resources are used efficiently, and provides the commission and administration with information useful in directing and controlling department operations.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 28, 1974, effective July 8, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 26, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 220—State Board of Pharmacy Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 220-2.020 Pharmacy Permits. The board is proposing to amend subsection (9)(H).

PURPOSE: This rule is being amended to be consistent with the changes proposed in the board's rule 4 CSR 220-2.200.

(9) The following classes of pharmacy permits or licenses are hereby established:

(H) Class H: Sterile Product Compounding. A pharmacy that provides services as defined in section 338.010, RSMo and provides a sterile pharmaceutical as defined in 4 CSR 220-2.200(1) and (15). Pharmacies providing sterile pharmaceuticals within the exemptions outlined in 4 CSR 220-2.200(7) and (8) shall not be considered a Class H pharmacy; and

AUTHORITY: sections 338.140, RSMo 2000 and 338.220, RSMo Supp. 2001 and Omnibus State Reorganization Act of 1974 (Appendix B). Original rule filed July 18, 1962, effective July 28, 1962. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 3, 2002.

PUBLIC COSTS: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 526-3464 or email at pharmacy@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 220—State Board of Pharmacy Chapter 2—General Rules

PROPOSED RESCISSION

4 CSR 220-2.200 Sterile Pharmaceuticals. This rule established standards for the preparation, labeling and distribution of sterile pharmaceuticals by licensed pharmacies, pursuant to a physician's order or prescription.

PURPOSE: This rule is being rescinded and readopted in order to redefine sterile pharmaceuticals.

AUTHORITY: sections 338.140 and 338.280, RSMo 1994. Original rule filed May 4, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 28, 1994, effective May 28, 1995. Rescinded: Filed Dec. 3, 2002.

PUBLIC COST: The proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 526-3464 or email at pharmacy@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 220—State Board of Pharmacy Chapter 2—General Rules

PROPOSED RULE

4 CSR 220-2.200 Sterile Pharmaceuticals

PURPOSE: This rule establishes standards for the preparation, labeling and distribution of sterile pharmaceuticals by licensed pharmacies, pursuant to a physician's order or prescription.

(1) Definitions.

(A) Aseptic processing: The technique involving procedures designed to preclude contamination of drugs, packaging, equipment, or supplies by microorganisms during processing.

(B) Batch preparation: Compounding of multiple sterile product units in a single discrete process, by the same individuals, carried out during one (1) limited time period.

(C) Biological safety cabinet: Containment unit suitable for the preparation of low to moderate risk agents where there is a need for

protection of the product, personnel and environment, according to National Sanitation Foundation (NSF) standards.

(D) Class 100 environment: An atmospheric environment which contains less than one hundred (100) particles 0.5 microns in diameter per cubic foot of air, according to federal standards.

(E) Class 10,000 environment: An atmospheric environment which contains less than ten thousand (10,000) particles 0.5 microns in diameter per cubic foot of air, according to federal standards.

(F) Clean room: A room—

1. In which the concentration of airborne particles is controlled;

2. That is constructed and used in a manner to minimize the introduction, generation, and retention of particles inside the room; and

3. In which other relevant variables (e.g. temperature, humidity, and pressure) are controlled as necessary.

(G) Clean zone: Dedicated space—

1. In which the concentration of airborne particles is controlled;

2. That is constructed and used in a manner that minimizes the introduction, generation, and retention of particles inside the zone; and

3. In which other relevant variables (e.g. temperature, humidity, and pressure) are controlled as necessary.

This zone may be open or enclosed and may or may not be located within a clean room.

(H) Compounding: For purposes of these regulations, compounding simply means the mixing of ingredients to prepare a medication for patient use. The activity would include dilution, admixture, repackaging, reconstitution, and other manipulations of sterile products. Compounded sterile medications may include, but are not limited to injectables, parenteral nutrition solutions, irrigation solutions, inhalation solutions, intravenous solutions and ophthalmic preparations.

(I) Controlled area: For purposes of these regulations, a controlled area is the area designated for preparing sterile products. This is referred to as the buffer zone (i.e. the clean room in which the laminar airflow workbench is located) by the United States Pharmacopoeia (USP).

(J) Critical area: Any area in the controlled area where products or containers are exposed to the environment.

(K) Critical site: An opening providing a direct pathway between a sterile product and the environment or any surface coming into contact with the product or environment.

(L) Critical surface: Any surface that comes into contact with previously sterilized products or containers.

(M) Cytotoxic drugs: A pharmaceutical product that has the capability of direct toxic action on living tissue that can result in severe leukopenia and thrombocytopenia, depression of the immune system and the alteration of a host's inflammatory response system.

(N) Expiration date: The date (and time, when applicable) beyond which a product should not be used (i.e. the product should be discarded beyond this date and time). Expiration date and time shall be assigned on the basis of both stability and risk level, which ever is a shorter period.

(O) High-Efficiency Particulate Air (HEPA) filter: A filter composed of pleats of filter medium separated by rigid sheets of corrugated paper or aluminum foil that direct the flow of air forced through the filter in a uniform parallel flow. HEPA filters remove ninety-nine point ninety-seven percent (99.97%) of all particles three tenths (0.3) microns or larger. When HEPA filters are used as a component of a horizontal- or vertical-laminar-airflow workbench, an environment can be created consistent with standards for a class 100 clean room.

(P) Isolator (or barrier isolator): A closed system made up of four (4) solid walls, an air-handling system, and transfer and interaction devices. The walls are constructed so as to provide surfaces that are cleanable with coving between wall junctures. The air-handling system provides HEPA filtration of inlet air. Transfer of materials is accomplished through air locks, glove rings, or ports. Transfers are

designed to minimize the entry of contamination. Manipulations can take place through either glove ports or half suits.

(Q) Parenteral: A sterile preparation of drugs for injection through one (1) or more layers of skin.

(R) Process validation or simulation: Microbiological simulation of an aseptic process with growth medium processed in a manner similar to the processing of the product and with the same container or closure system.

(S) Quality assurance: For purposes of these regulations, quality assurance is the set of activities used to ensure that the processes used in the preparation of sterile drug products lead to products that meet predetermined standards of quality.

(T) Quality control: For the purposes of these regulations, quality control is the set of testing activities used to determine that the ingredients, components and final sterile products prepared meet predetermined requirements with respect to identity, purity, non-pyrogenicity and sterility.

(U) Repackaging: The subdivision or transfer of a compounded product from one container or device to a different container or device.

(V) Sterile pharmaceutical: A dosage form free from living microorganisms.

(W) Sterilization: A validated process used to render a product free of viable organisms.

(X) Temperatures:

1. Frozen means temperatures between twenty below zero and ten degrees Celsius (-20 and 10°C) (four below zero and fourteen degrees Fahrenheit (-4 and 14°F)).

2. Refrigerated means temperatures between two and eight degrees Celsius (2 and 8°C) (thirty-six and forty-six degrees Fahrenheit (36 and 46°F)).

3. Room temperatures means room temperatures between fifteen and thirty degrees Celsius (15 and 30°C) (fifty-nine and eighty-six degrees Fahrenheit (59 and 86°F)).

(Y) Validation: Documented evidence providing a high degree of assurance that specific processes will consistently produce a product meeting predetermined specifications and quality attributes.

(Z) Definitions of sterile compounded products by risk level:

1. Risk Level 1: Products that are sterile throughout the entire compounding process and are stored at room temperatures and completely administered within twenty-eight (28) hours from preparation.

2. Risk Level 2: Products that are sterile throughout the entire compounding process and are administered beyond twenty-eight (28) hours after preparation and storage at room temperatures.

3. Risk Level 3: Products that are—

A. Compounded from non-sterile ingredients or with non-sterile containers, or equipment before terminal sterilization; or

B. Prepared by combining multiple ingredients (sterile or non-sterile) by using an open system transfer or open reservoir before terminal sterilization.

(2) Policy and Procedure Manual.

(A) A manual, outlining policies and procedures for compounding Risk Level 1, 2 and 3 products, shall be available for inspection at the pharmacy. The manual shall be reviewed on an annual basis.

(3) Personnel Education, Training and Evaluation.

(A) Risk Level 1: All pharmacy personnel preparing sterile products must receive suitable didactic and experiential training.

(B) Risk Level 2: In addition to Risk Level 1 requirements, personnel training includes assessment of competency in all Risk Level 2 procedures via process simulation.

(C) Risk Level 3: In addition to Risk Level 1 and 2 requirements, operators have specific education, training and experience to prepare Risk Level 3 products. The pharmacist knows principles of good compounding practice for risk level products, including—

1. Aseptic processing;

2. Quality assurance of environmental, component, and end product testing;

3. Sterilization; and

4. Selection and use of containers, equipment, and closures.

(4) Storage and Handling in the Pharmacy.

(A) Risk Level 1 and 2: Solutions, drugs, supplies and equipment must be stored according to manufacturer or USP requirements. Refrigeration and freezer temperatures shall be documented daily. Other storage areas shall be inspected regularly to ensure that temperature and lighting meet requirements. Drugs and supplies shall be shelved above the floor. Removal of products from boxes shall be done outside controlled areas. Disposal of used supplies shall be done at least daily. Product recall procedures must permit retrieving affected products from specific involved patients.

(B) Risk Level 3: In addition to Risk Level 1 and 2 requirements, procedures include procurement, identification, storage, handling, testing, and recall of components and finished products. Finished but untested products must be quarantined under minimal risk for contamination or loss of identity in an identified quarantine area.

(5) Facilities and Equipment.

(A) Risk Level 1: The controlled area shall be separated from other operations. The controlled area must be clean and well lit. A sink with hot and cold water must be near, but not in, the controlled area. The controlled area and inside equipment must be cleaned and disinfected regularly. Sterile products must be prepared in a class 100 environment (the critical area). Computer entry, order processing, label generation, and record keeping shall be performed outside the critical area. The critical area must be disinfected prior to use. A workbench shall be recertified every six (6) months and when it is moved; prefilters must be visually inspected on a regularly scheduled basis and replaced according to manufacturers specifications. Pumps utilized in the compounding process shall be recalibrated and documented according to manufacturer procedures.

(B) Risk Level 2: In addition to all Risk Level 1 requirements, the controlled area must meet class 10,000 clean room standards; cleaning supplies should be selected to meet clean room standards; critical area work surface must be cleaned between batches; floors should be disinfected daily; equipment surfaces weekly; and walls monthly; with applicable environmental monitoring of air and surfaces. Automated compounding devices must be calibrated and verified as to accuracy, according to manufacturer procedures.

(C) Risk Level 3: In addition to Risk Level 1 and 2 requirements, products must be prepared in a class 100 workbench in a class 10,000 clean room, in a class 100 clean room or within a positive pressure barrier isolator. Access to the clean room must be limited to those preparing the products and who are in appropriate garb. Equipment must be cleaned, prepared, sterilized, calibrated, and documented according to manufacturers standards. Walls and ceilings must be disinfected weekly. All non-sterile equipment that is to come in contact with the sterilized final product must be sterilized before introduction in the clean room. Appropriate cleaning and disinfection of the environment and equipment are required.

(6) Apparel.

(A) Risk Level 1: In the controlled area, personnel shall wear low particulate, clean clothing covers. Head and facial hair shall be covered.

(B) Risk Level 2: In addition to Risk Level 1 requirements, gloves, gowns, and masks are required. During sterile preparation gloves shall be rinsed frequently with a suitable agent and changed when integrity is compromised.

(C) Risk Level 3: In addition to Risk Level 1 and 2 requirements, clean room apparel must be worn inside the controlled area at all times during the preparation of Risk Level 3 sterile products except when positive pressure barrier isolation is utilized. Attire shall consist of a low-shedding coverall, head cover, face mask, and shoe covers.

(7) Aseptic Technique and Product Preparation.

(A) Risk Level 1: Sterile Products must be prepared in a class 100 environment. Personnel shall scrub their hands and forearms for an appropriate period at the beginning of each aseptic compounding process. Eating, drinking and smoking are prohibited in the controlled area. Talking shall be minimized to reduce airborne particles. Ingredients shall be determined to be stable, compatible, and appropriate for the product to be prepared, according to manufacturer, USP, or scientific references. Ingredients and containers shall be inspected for defects, expiration and integrity before use. Only materials essential for aseptic compounding shall be placed in the workbench. Surfaces of ampuls and vials shall be disinfected before placement in the workbench. Sterile components shall be arranged in the workbench to allow uninterrupted laminar airflow over critical surfaces of needles, vials, ampules, etc. Automated devices and equipment shall be cleaned, disinfected and placed in the workbench to enable laminar airflow. Aseptic technique shall be used to avoid touch contamination of critical sites of containers and ingredients. Particles shall be filtered from solutions. Needle cores shall be avoided. The pharmacist shall check before, during, and after preparation to verify the identity and amount of ingredients before release.

(B) Risk Level 2: In addition to Risk Level 1 requirements, a file containing formula, components, procedures, sample label, final evaluation, and testing shall be made for each product batch. A separate work sheet and lot number for each batch shall be completed. When combining multiple sterile products, a second verification of calculations shall take place. The pharmacist shall verify data entered into any automatic compounder before processing and check the end product for accuracy.

(C) Risk Level 3: In addition to Risk Level 1 and 2 requirements, nonsterile components must meet USP standards for identity, purity, and endotoxin levels, as verified by a pharmacist. Batch preparation files shall also include comparisons of actual with anticipated yields, sterilization methods, and quarantine specifications. Presterilized containers shall be used when feasible. Final containers must be sterile and capable of maintaining product integrity throughout the shelf life. Sterilization methods must be based on properties of the product.

(8) Process Validation.

(A) Risk Level 1: All pharmacy personnel who prepare sterile products shall pass a process validation of aseptic technique before compounding sterile products. Pharmacy personnel competency must be reevaluated by process validation at least annually, whenever the quality assurance program yields an unacceptable result, or whenever unacceptable techniques are observed. If microbial growth is detected, the entire sterile process must be evaluated, corrective action taken, and the process simulation test performed again.

(B) Risk Level 2: In addition to Risk Level 1 requirements, process simulation procedures shall cover all types of manipulations, products and batch sizes.

(C) Risk Level 3: In addition to all Risk Level 1 and 2 requirements, written policies shall be maintained to validate all processes, procedures, components, equipment and techniques.

(9) Record Keeping.

(A) Risk Level 1: The following must be documented:

1. Training and competency evaluation of pharmacy personnel involved in sterile product preparation;
2. Refrigerator and freezer temperature logs;
3. Certification of workbenches;
4. Copies of any manufacturer standards that are relied upon to maintain compliance with this rule; and
5. Other facility quality control logs as appropriate.

(B) Risk Level 2: In addition to Risk Level 1 requirements, records of any end-product testing and batch preparation records must be maintained.

(C) Risk Level 3: In addition to Risk Level 1 and 2 requirements,

record requirements for Risk Level 3 products must include:

1. Preparation work sheet;
2. Sterilization records, if applicable;
3. Quarantine records, if applicable;
4. End-product evaluation and testing records; and
5. Ingredient validation records.

(D) All records and reports shall be maintained for two (2) years and shall be readily retrievable, subject to inspections by the board of pharmacy or its agents.

(10) Labeling.

(A) Risk Level 1: Sterile products dispensed to patients shall be labeled in accordance with section 338.059, RSMo and with the following supplemental information affixed to a permanent label:

1. Expiration date (and time when applicable);
2. Storage requirements;
3. Any device specific instructions; and
4. Auxiliary labels, when applicable.

(B) Risk Level 2: All requirements for Risk Level 1 must be met.

(C) Risk Level 3: All requirements for Risk Level 1 must be met.

(11) Expiration Dating.

(A) Risk Level 1: All sterile products must bear an appropriate expiration date. Expiration dates are assigned based on current drug stability information and sterility considerations.

(B) Risk Level 2: All requirements for Risk Level 1 must be met.

(C) Risk Level 3: In addition to all Risk Level 1 requirements, there must be a reliable method for establishing all expiration dates, including laboratory testing of product stability, pyrogenicity, particulate contamination and potency. Expiration dating not specifically referenced in the product's approved labeling or not established by product specific instrumental analysis, shall be limited to thirty (30) days.

(12) End-Product Evaluation.

(A) Risk Level 1: The final product must be inspected for container leaks, integrity, solution cloudiness or phase separation, particulates in solution, appropriate solution color, and solution volume. The pharmacist must verify that the product was compounded accurately as to the ingredients, quantities, containers, and reservoirs. Background light or other means for the visual inspection of products for any particulate and/or foreign matter must be used as part of the inspection process.

(B) Risk Level 2: All Risk level 1 requirements must be met.

(C) Risk Level 3: In addition to all Risk Level 1 requirements, the process validation procedure shall be supplemented with a program of end product sterility testing according to a formal sampling plan. Samples shall be statistically adequate to reasonably ensure that batches are sterile. A method for recalling batch products shall be established if end product testing yields unacceptable results. Each sterile preparation or batch must be tested for sterility, pyrogenicity, and potency. Sterile products compounded from non-sterile components must be quarantined pending results of end product testing.

1. Sterility Testing: Sampling for the sterility test shall occur promptly upon the completion of preparation. The sterility test, including the sampling scheme, shall be conducted according to one (1) of the USP methods.

2. Pyrogen/Endotoxin Testing: Each sterile product prepared from non-sterile drug components or from an intermediate compound from a non-sterile component shall be tested for pyrogen or endotoxin according to recommended USP methods.

3. Potency: The pharmacy shall have a procedure for a pre-release check of the potency of the active ingredients in the compounded sterile product prepared from non-sterile bulk active ingredients. The procedure shall include at least the following verifications by a pharmacist:

A. The lot of the active ingredients used for compounding have the necessary identity, potency, purity and other relevant qualities;

B. All weighings, volumetric measurements, and additions of ingredients were carried out properly;

C. The compounding or control records include documentation that the fill volumes of all units available for release were checked and were correct; and

D. The final potency is confirmed by instrumental analysis.

(D) Emergency Dispensing of a Risk Level 3 Sterile Product: When a compounded non-sterile to sterile product must be released prior to the completion of the sterility, pyrogenicity, particulate and potency test results, the sterile product may be conditionally released. The quantity of sterile product shall be limited to a quantity of product to meet the needs of the patient until all sterility and pyrogenicity tests are known.

(13) Handling Sterile Products Outside the Pharmacy.

(A) Risk Level 1: The pharmacist-in-charge shall assure the environmental control of all sterile compounded products shipped. Sterile products shall be transported so as to be protected from excesses of temperatures and light within temperature-controlled delivery containers (as defined by USP standards). The pharmacy shall follow written procedures that specify packing techniques, configuration, and materials for groups of products with common storage characteristics and for specific products where unique storage conditions are required to retain adequate stability and product quality.

(B) Risk Level 2: All requirements for Risk Level 1 must be met.

(C) Risk Level 3: All requirements for Risk Level 1 must be met.

(14) Cytotoxic Drugs.

(A) The following additional requirements are necessary for those licensed pharmacies that prepare cytotoxic drugs to insure the protection of the personnel involved:

1. Cytotoxic drugs shall be compounded in a vertical flow, Class II biological safety cabinet. If used for other products, the cabinet must be thoroughly cleaned;

2. Protective apparel shall be worn by personnel compounding cytotoxic drugs which shall include disposable masks, gloves and gowns with tight cuffs;

3. Appropriate safety and containment techniques for compounding cytotoxic drugs shall be used in conjunction with the aseptic techniques required for preparing sterile products;

4. Appropriate disposal containers for used needles, syringes, and if applicable, cytotoxic waste from the preparation of chemotherapy agents and infectious waste from patients' homes. Disposal of cytotoxic waste shall comply with all applicable local, state and federal requirements;

5. Written procedures for handling major and minor spills and generated waste of cytotoxic agents must be developed and must be included in the policy and procedure manual;

6. Prepared doses of cytotoxic drugs must be labeled with proper precautions inside and outside, and shipped in a manner to minimize the risk of accidental rupture of the primary container.

(15) Exemption: Pharmacists and pharmacies where sterile compounding is provided may be exempt from this rule when compounding is restricted to utilizing compounds or products that are contained only in a closed or sealed system and can be transferred or compounded within this self contained system or topical products that require further transfer or combination in order to achieve a finished product without further modification of the product.

(16) In addition to the requirements outlined in this rule, all standards and requirements as outlined in 4 CSR 220-2.400 must be maintained.

PUBLIC COST: This proposed rule will cost the State Board of Pharmacy an estimated twelve thousand five hundred ninety-seven dollars (\$12,597) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the Secretary of State.

PRIVATE COST: This proposed rule will cost private entities an estimated \$1,351,600 during the first year of implementation of the rule and an estimated \$3,322,500 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the Secretary of State.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 526-3464 or email at pharmacy@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 5:00 p.m., Tuesday, February 4, 2003 at the Holiday Inn Select, 2200 I-70 Drive SW, Columbia, Missouri.*

AUTHORITY: sections 338.010, 338.140, 338.240 and 338.280, RSMo 2000. Original rule filed May 4, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 28, 1994, effective May 28, 1995. Rescinded and readopted: Filed Dec. 3, 2002.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 30 – State Board of Pharmacy

Chapter: 2 -- General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 220-2.200 Sterile Pharmaceuticals

Prepared October 22, 2002 by the State Board of Pharmacy

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Pharmacy (inspection of 29 Risk Level 1 Pharmacies)	\$726.00
State Board of Pharmacy (inspection of 61 Risk Level 2 & 3 Pharmacies)	\$3,055.00
State Board of Pharmacy (Inspector Training)	\$2,016.00
State Board of Pharmacy (Training Video)	\$200.00
State Board of Pharmacy (Purchase of Refractometers)	\$6,000.00
State Board of Pharmacy (unknown costs estimates at \$100 per inspector)	\$600.
Total Annual Cost for the Life of the Rule	
	\$12,597.00

WORKSHEET

Inspector time to inspect:

Risk Level 1 – 29 Pharmacies

1 extra hour x \$25.04 per hour (average Inspector Salary)

x 29 pharmacies = \$ 726.16 (cents rounded off)

\$ 726.00

Risk Level 2 & 3 – 61 Pharmacies

2 extra hours x \$25.04 x 61 pharmacies = \$3,054.88 (cents rounded up)

\$ 3,055.00

Training for Inspectors

Seminar Cost (est) \$200.00

1 Night Hotel (est) \$ 90.00 (St. Louis CONUS)

Meals 1 day (est) \$ 46.00 (St. Louis CONUS)

Total

\$ 336.00 x 6 inspectors =

\$ 2,016.00

Purchase of Training Videos 1 set to be shared (est)	\$ 200.00
Purchase of Refractometers estimated. at \$1,000 x 6 –	\$ 6,000.00
Unknown costs estimated at \$100 per inspector –	\$ 600.00

ASSUMPTIONS:

1. It will take an inspector approximately 1 extra hour of inspection time to inspect Risk Level 1 and 2 pharmacies providing sterile pharmaceutical products.
2. It will take an inspector approximately 1-2 extra hours of inspection time to inspect Risk Level 3 pharmacies providing sterile pharmaceutical products. This is the level where all non-sterile to sterile compounding of products will occur and will require the extra time for the inspector to inspect.
3. Based on the table in Assumption 1 of the Private Entity Fiscal Note, the breakdown of Risk Level 1 and 2 (combined) and Risk Level 3 was used to calculate the number of pharmacies that will require extra inspection time.
4. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 4 – Department of Economic Development

Division: 30 – State Board of Pharmacy

Chapter: 2 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 220-2.200 Sterile Pharmaceuticals

Prepared October 22, 2002 by the State Board of Pharmacy

II. SUMMARY OF FISCAL IMPACT**First Year of Implementation**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
8	Class C: Long Term Care Pharmacies (barrier isolator - \$8,950)	\$71,600.00
8	Class C: Long Term Care Pharmacies (air conditioning, lighting, etc - \$4,000)	\$32,000.00
39	Pharmacies (construction of clean room - \$32,000)	\$1,248,000.00
Total Cost Incurred During First Year of Implementation of the Rule		\$1,351,600.00

Annual Costs

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
61	Pharmacies (apparel/clothing - \$250 per pharmacy each month)	\$183,000.00
15	Pharmacies (testing of batches - 260 batches per pharmacy per year x \$850 per batch)	\$3,139,500.00
Total Annual Cost for the Life of the Rule		\$3,322,500.00

WORKSHEET:

1. Apparel/Clothing: Estimated at \$250 per month per pharmacy. The cost will be dependent on the number of individuals employed by the pharmacy.

$$\$250 \times 61 \text{ Pharmacies} \times 12 \text{ months} = \$ 183,000.00$$

2. Testing: A batch is defined as one mixture or lot of one product. A batch can effectively be one (1) dose of a medication or it could consist of a large number of multiple doses of one product. Each batch must be tested for sterility, potency and pyrogenicity. The costs of testing will be determined by the number of batches prepared by a pharmacy. In many instances, 1 set of tests can be done. The Board of Pharmacy has no accurate method to measure the exact number of batches prepared in pharmacies. The number will be determined by the volume of compounding done in a pharmacy.

For the purposes of this fiscal note, it is estimated that an average sterile compounding pharmacy would prepare 1 batch per day.

Costs are:

Sterility Testing, per Batch	\$175
Potency Testing	\$300 per active ingredient
x 2 average active ingredients	\$600
Pyrogenicity Testing (per batch)	\$ 30..... Total per batch \$805.00

$$1 \text{ Batch per day} \times 5 \text{ days} \times 52 \text{ weeks} = 260 \text{ batches}$$

$$260 \text{ batches} \times 15 \text{ pharmacies} = 3,900 \text{ batches}$$

$$3,900 \text{ batches} \times \$805 \text{ per batch} = \$ 3,139,500.00$$

3. Class C: Long Term Care Pharmacies classified as a Risk Levels 2 and 3 may require the use of a barrier isolator. It is estimated that 50% of the 29 total Class C: Long Term Care pharmacies already comply with this rule and can be taken out of this equation. (29-14 = 15 pharmacies) This results in the estimated number of pharmacies affected to be 15 pharmacies. It is estimated that 50% of these 15 pharmacies may choose to purchase a barrier isolator in order to comply with new environmental standards. This would be 7.5 pharmacies, rounded to 8 pharmacies. The board estimates that each barrier isolator will cost approximately \$8,950.

$$8 \text{ Class C: Long Term Care Pharmacies} \times \$8,950 = \$ 71,600.00$$

Estimated additional costs for air conditioning, lighting, etc

$$\$4,000 \times 8 \text{ Pharmacies} = \$ 32,000.00$$

4. The following classes of pharmacies which are Risk Level 2 and 3, will be required to maintain a clean room if a barrier isolator is deemed insufficient for compounding needs:

1	Class B: Hospital/Outpatient
7	Class C: Long Term Care Pharmacies
23	Class D: Home Health
8	Class H: Sterile Product Compounding
39	

A reasonable sized clean room is 8' x 10' x 10'. The board estimates the current cost to be \$40.00 per cubic foot. 8' x 10' x 10' x \$40.00 = \$32,000.00

$$39 \text{ pharmacies} \times \$32,000 = \$1,248,000.00$$

ASSUMPTIONS:

1. Pharmacies must maintain compliance with the class of pharmacy which they will practice, both when they complete a new application and when the renewal is submitted. Pharmacies may also complete a form to add to or delete classifications from their license at any time. The statistics used in this fiscal note are taken from the PROMO licensing system and is based on information provided to the Board by pharmacies.

Type of Pharmacy	Total Number	Percent that will Provide Sterile Products	Number that will Provide Sterile Products	Risk level	Inspector Breakdown Risk Level	
					1	2 & 3
Class B: Hospital Outpatient + Class D Home Health	1	100%	1	1 – RL 2/3		1
Class C: Long Term Care + C combinations	231	25%	57.75 rounded to 58	29 – RL 1 29 – RL 2 and 3	29	29
Class D: Home Health – D Combinations	31	75%	23	23 – RL 2 and 3		23
Class II: Sterile Product Compounding – H combinations	8	100%	8	8 – RL 2 and 3		8
			90			61

2. There are categories of Risk Level 1, 2 and 3 in the field of sterile product compounding.

- A. Risk Level 1 :** Products that are sterile throughout the entire compounding process and are stored at room temperatures and completely administered within 28 hours from preparation.
- B. Risk Level 2:** Products that are sterile throughout the entire compounding process and are administered beyond 28 hours after preparation and storage at room temperatures.
- C. Risk Level 3:** Products that are (1) compounded from non-sterile ingredients or with non-sterile containers, or equipment before terminal sterilization or (2) prepared by combining multiple ingredients (sterile or non-sterile) by using an open system transfer or open reservoir before terminal sterilization

It is estimated that 50% of Class C: Long Term Care Pharmacies will be at Risk Level 1 and 50% will be at Risk Levels 2-3.

It is estimated that 75% of Class D: Home Health and 100% of Class II: Sterile Product Pharmacies will be at Risk Levels 2 and 3.

Risk Level 1 pharmacies that prepare I.V's currently will already have the equipment required and are in compliance with the existing regulation.

These estimates are based on the fact that a licensee has the option to select the types of products that s/he chooses to compound. The licensee may choose to operate at a specific risk level, depending on his/her choice on issues such as expiration dating, i.e., the shorter expiration date on a product requires that the pharmacy operate as a Risk Level 1.

It is estimated that a total of 61 pharmacies could be affected by this rule. It is further estimated that 25% of these 61 pharmacies which is equal to 15 pharmacies, are involved in sterile product compounding which includes non-sterile to sterile product compounding.

3. There is a great variance in the type of products involved in sterile product compounding, including but not limited to, antibiotics, parenteral nutrition products, chemotherapy and pain management medications. There is also a wide range of scenarios and it is virtually impossible to determine an "average" per pharmacy.
4. Sterile to sterile compounding does not require additional testing above present regulatory requirements. Non-sterile to sterile compounding does require testing. Since no average can be calculated and the size of a batch can be virtually any size and given that the majority of pharmacies directly affected by the requirement are small or part-time compounders. A reasonable estimate for batch testing is set at one (1) batch per day per 5 day work week.
5. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 220-2.400 Compounding Standards of Practice. The board is amending sections (1), (2) and (5)–(8) and adding new sections (6)–(8).

PURPOSE: The purpose of this amendment is to further define compounding and provide for more stringent guidelines for compounded products to assure public health and safety.

(1) Compounding is defined as the preparation, incorporation, mixing *[or assembling,]* and packaging or labeling of a drug or device as the result of a prescriber's prescription or drug order or initiative based on the prescriber/patient/pharmacist relationship in the course of professional practice. Compounding may also be defined as the preparation, incorporation, mixing *[or assembling,]* and packaging or labeling of a drug or device, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale or dispensing purposes.

(2) Manufacturing is defined as the production, preparation, propagation, conversion, or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis, and includes any packaging or repackaging of the substance(s) or labeling or relabeling of its container, and the promotion and marketing of such drugs or devices. Manufacturing also includes the preparation and promotion of *[commercially available]* compounded products *[from bulk compounds]* for *[resale by]* distribution to other pharmacies, practitioners or other persons.

(5) Appropriate quality control measures shall be maintained by the pharmacy and its staff over compounding methods.

(A) Such methods shall include the following and shall be followed in the execution of the drug compounding process. **A separate log shall be maintained which includes:**

1. Methods for the compounding of drug products to insure that the finished products have the identity, strength, quality and purity they purport or are represented to possess;

2. Date of compounding;

3. Identity of the compounding pharmacist;

[4. Description of the compounding process; and

5. *For the purpose of compounding in quantities larger than required for immediate dispensing by a prescriber or for future dispensing upon prescription, a pharmacy shall maintain records that also include, but are not limited to:*

A. A listing of the drug products/ingredients, their amounts by weight or volume;

B. The order of drug product/ingredient addition, if necessary for proper compounding; and

C. The identity of the source, lot number and the expiration date of each drug product/ingredient, as well as an in-house lot number.]

5. A listing of the drug products/ingredients, their amounts by weight or volume;

6. Description of the compounding process and the order of drug product/ingredient addition, if necessary for proper compounding;

7. The identity of the source, lot number and the expiration date of each drug product/ingredient, as well as an in-house lot number and an expiration date for bulk compounded products; and

8. An identifying prescription number or a readily retrievable unique identifier.

(C) *[In the case where a quantity of a compounded drug product in excess of that to be initially dispensed is prepared, the excess product shall be labeled or documentation referenced with the complete list of drug products/ingredients and the preparation date. 1.]* Pharmacists may compound drugs in limited quantities prior to receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely with an established pharmacist/patient/prescriber relationship.

1. The compounding of drug products in anticipation of receiving prescriptions without an appropriate history of such prescriptions on file or a documented need, shall be considered manufacturing instead of compounding of the drug(s) involved. Limited quantities, for purposes of this rule, are further defined as an amount of batched product that represents a three (3)-month supply.

2. Creams, ointments, lotions, liniments or other compounded products intended for external use may be batched in the same manner as provided for in paragraph (5)(C)1. of this rule that represents a one (1)-year supply.

[3. In the event that any excess of a compounded product should require an expiration date that is less than three (3) months, the appropriate date should be placed on the container label of the excess product or documentation referenced with the expiration date noted.]

(D) Any excess compounded products shall be stored and accounted for under conditions dictated by its composition and stability characteristics to insure its strength, quality and purity. **Excess product shall be labeled with the name of the drug(s), an in-house lot number and an expiration date.**

(E) Records as outlined in this *[section]* rule shall be retained and made readily retrievable for inspection for two (2) years from the date of compounding.

(F) **The actual name of each active or therapeutic ingredient contained in a compound shall be listed on the label of any product provided to a consumer.**

(6) Management of Compounding.

(A) A pharmacist dispensing any compounded drug is responsible for ensuring that the product has been prepared, labeled, controlled, stored, dispensed and distributed properly. These responsibilities apply equally to commercially available products that are dispensed to patients without compounding or other manipulation and to products that have been repackaged, diluted, blended, mixed or otherwise manipulated in any way prior to dispensing. The pharmacist is responsible for ensuring that quality is built into the preparation of products, with key factors including at least the following general principles:

1. Personnel are capable and qualified to perform their assigned duties;

2. Ingredients used in compounding have their expected identity, quality and purity. Drug components must meet compendial standards. This may be established by maintaining a certificate of analysis when bulk drug substances are involved. Visual inspection of bulk drug substances must be performed on a routine basis;

3. There is assurance that processes are always carried out as intended or specified;

4. Preparation conditions and procedures are adequate for preventing mix-ups or other errors;

5. There is adequate separation of quality control functions and decisions from those of production; and

6. All finished products, as a condition of release, must be individually inspected for evidence of visible particulates or other foreign matter and for container-closure integrity and any other apparent visual defects.

(B) The pharmacy is responsible for developing a drug monitoring system for compounded products. The outcome monitoring system shall provide readily retrievable information suitable for the evaluation of the quality of pharmaceutical services. This shall include but not be limited to infection rates, incidence of adverse drug reactions, incidence of recalls and complaints from prescribers or clients. In the case of a recall or complaint, the pharmacy shall document the nature of the recall, identity of any patients involved, the problem identified and any corrective action taken to assure public health and safety.

(7) Compounding of drug products that are commercially available in the marketplace or that are essentially copies of commercially available Federal Drug Administration (FDA) approved drug products is prohibited. In certain circumstances, it may be appropriate for a pharmacist to compound a small quantity of a drug that is only slightly different than an FDA-approved drug that is commercially available. In such a case, there shall be sufficient documentation within the prescription record of the pharmacy of the specific medical need for the particular variation of the compound for the particular patient.

(8) Any alteration, change or modification to the contents of a commercially manufactured over-the-counter product shall require a prescription or prescription order from an authorized prescriber.

[(6)] (9) Any person shown at any time, either by medical examination or pharmacist determination, to have an apparent illness or open lesion(s) that may adversely affect the safety or quality of a drug product being compounded shall be excluded from direct contact with drug products/ingredients, drug product containers, container closures and in-process materials, until the condition is corrected or determined by competent medical personnel not to jeopardize the safety or quality of the products being compounded.

[(7)] (10) In accordance with federal law, pharmacists shall not offer compounded drug products to other pharmacies, practitioners or commercial entities for subsequent resale[,] or administration, except in the course of professional practice for a prescriber to administer to an individual patient by prescription. A pharmacist or pharmacy may advertise or otherwise provide information concerning the provision of compounding services; however, no pharmacist or pharmacy shall attempt to solicit business by making specific claims about compounded products.

[(8)] (11) In addition to the requirements outlined in this rule, all standards and requirements as outlined in 4 CSR 220-2.200 Sterile Pharmaceuticals must be adhered to whenever compounding involves the need for aseptic procedures or requires the use of or results in an intended sterile pharmaceutical product.

AUTHORITY: sections 338.010, 338.140, 338.240 and 338.280, RSMo [1994] 2000. Original rule filed Aug. 25, 1995, effective April 30, 1996. Amended: Filed Dec. 3, 2002.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 526-3464 or e-mail at pharmacy@mail.state.mo.us. To be considered, comments must be

received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 5:00 p.m., Tuesday, February 4, 2003 at the Holiday Inn Select, 2200 I-70 Drive SW, Columbia, Missouri.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 220-2.650 Standards of Operation for a Class J: Shared Services Pharmacy. The board is proposing to delete section (2).

PURPOSE: This rule is being amended to be consistent with the changes proposed in the board's rule 4 CSR 220-2.200.

[(2)] *Pharmacies that participate in shared services are hereby exempt from the provisions of 4 CSR 220-2.200 Sterile Pharmaceuticals, subsection (4)(D) regarding the delivery of such products directly to the patient.*

AUTHORITY: sections 338.140, 338.240, and 338.280, RSMo 2000 and 338.210 and 338.220, RSMo Supp. 2001. Original rule filed Nov. 30, 2001, effective June 30, 2002. Amended: Filed Dec. 3, 2002.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 526-3464 or e-mail at pharmacy@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.010 Definitions. The commission is adding new definitions at sections (1) and (16) and is amending previously numbered sections (1), (2), (5), (6), (7), (15), (17), (20), and (21).

PURPOSE: This amendment includes definitions of additional terms used in this chapter and provides for deleting and/or clarifying other definitions.

(1) Active project. Any contract of which final acceptance has not been made.

[(1)] (2) *Affiliate.* [A person, firm or corporation is an affiliate of another person, firm or corporation] **Persons are affiliates of each other** if, directly or indirectly, either one controls or has the power to control the other[,]; or a third person/s or a firm/ controls or has the power to control both. [Examples] **Indicia** of control include, but are not limited to: interlocking management or

ownership, identity *[or]* of interests among family members, shared facilities *[or]* and equipment, *[or]* common use of employees, **or a business entity organized following the suspension, debarment, or disqualification of a person which has the same or similar management, ownership or principal employees as the suspended, debarred, or disqualified person.**

[[2]] (3) Bidder. Any individual, partnership, corporation or *[any person or firm participating as part of a]* joint venture *[in]* submitting a *[proposal]* **bid to [the commission to perform the work contemplated] supply goods or to perform the work contemplated.**

[[3]] (4) Chief engineer. The chief engineer of the Missouri Department of Transportation.

[[4]] (5) Commission. The Missouri Highways and Transportation Commission.

[[5]] (6) Construction **and materials.** The functional unit within the department which is responsible for administering all construction contracts awarded by the commission.

[[6]] (7) Contractor. *[The individual proprietorship, partnership, limited partnership, corporation, limited liability company, limited liability partnership, limited liability corporation or firm of whatever organizational form participating in a joint venture, undertaking performance of the work under the terms of a contract with the commission and acting directly or through his/her/its agents, employees or subcontractors.]* **Any individual or any legal entity including its officers and directors, that submits bids or proposals for or is awarded or may reasonably be expected to submit bids or proposals for or be awarded a commission contract. This definition includes any subcontractor that conducts business with the commission or department as an agent or representative of a contractor and any individual or legal entity that conducts business with the department as an agent or representative of a contractor.**

[[7]] (8) Contractor performance review committee consists of the following: director of operations, chairperson; director of project development; state design engineer; state construction **and materials** engineer; state bridge engineer; or an authorized representative acting on behalf of any one of them.

[[8]] (9) Contractor representative. A general partner, officer of a corporation or other proper term depending on the company or organization, as one having authority of position, stated in writing.

[[9]] (10) Department. The Missouri Department of Transportation (MoDOT).

[[10]] (11) District. One (1) of ten (10) geographic regions of Missouri established for administrative purposes within the department.

[[11]] (12) District engineer. The engineer in charge of a district.

[[12]] (13) Mean. The sum of all of the individual contractor's ratings divided by the total number of ratings.

[[13]] (14) Nonresponsible contractor. A contractor determined by the commission to lack one (1) or more of the qualities associated with a responsible bidder or responsible contractor.

[[14]] (15) Notice of rating. Notice of the rating by the resident engineer in a contractor performance questionnaire or of the annual rating shall be sent by mailing a copy of the contractor performance questionnaire or of a writing containing the annual rating to the con-

tractor at the contractor's address contained in its most recent contractor questionnaire required by the Missouri Standard Specifications for Highway Construction. The department will keep a written record of the persons to whom such notices of ratings were sent and of the address and date they were sent for a period of at least ten (10) years in the case of the contractor performance questionnaire and at least ten (10) years in the case of the notice of the annual rating, which record shall prove the mailing of the notice of rating. Further, it shall be presumed that a notice of rating sent by mail was received by the contractor on the second day, which is not a Sunday or holiday, after the day the written record states it was sent excepting only if a different date is shown by a delivery receipt of the United States Postal Service.

(16) Person. Any individual, corporation, partnership, association, unit of government or legal entity, however organized.

[[15]] (17) Principal. *[A person is a principal of a firm if s/he is an officer, director, owner, partner or other person with that firm who has primary management, supervisory or bidding duties or authority.]* **Officer, director, owner, partner, key employee, or other person within an organization with primary management or supervisory responsibilities; or a person who has critical influence on or substantive control over a transaction, whether or not employed by the participant.**

[[16]] (18) Resident engineer. The individual employed by the department and assigned to a district, holding that title, who is the department's representative assigned the immediate control and administration of a commission project awarded by contract to a contractor for construction. Whenever appropriate, it also refers to his/her designated representative.

[[17]] (19) Responsible bidder or responsible contractor. *[A contractor, or any contractor or firm which participates collectively in a joint venture, which is capable financially, skilled and has sufficient integrity, experience and resources of all kinds, to promptly complete a project awarded, to provide a satisfactory quality of work, in compliance with the contract, in cooperation with the department and others, and in a safe manner.]* **A person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.**

[[18]] (20) Sample. A statistical subset of the total number of contractors doing work for MoDOT during the rated year.

[[19]] (21) Specialty contractors. Those contractors who have performed eighty-five percent (85%) or more of their work in one specification area as set forth in Divisions 200-900 in the Missouri Standard Specifications for Highway Construction.

[[20]] (22) Standard deviation. The square root of the average of the **squared** difference between the individual ratings and their mean.

[[21]] (23) State construction **and materials** engineer. The registered professional engineer in charge of *[the]* construction *[unit]* **and materials administration** within the department.

[[22]] (24) Subcontractor. Any individual, partnership, corporation or a person or firm participating as part of a joint venture, to whom the contractor sublets any part of the work under a commission contract.

[[23]] (25) Successor. A person, firm or corporation is a successor to another if it is a business entity organized following the disqualification of the other, and it has the same or similar management, ownership or principal employees as the disqualified person, firm or corporation.

[(24)] (26) Weighted average. The weighted average is the sum of a sample lot's adjusted individual ratings. The adjustment factor is (\$ volume of sample)/(\$ volume of sample lot total).

AUTHORITY: sections 226.020, 226.130, 227.030, RSMo 2000 and 227.100 RSMo Supp. 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency amendment filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Amended: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expired May 16, 2000. Amended: Filed Nov. 9, 1999, effective May 30, 2000. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.030 Rating Categories for Evaluating the Performance of a Contractor. The commission is amending section (1) and subsections (1)(B) and (C), sections (3) and (4), and adding subsection (1)(D).

PURPOSE: This amendment provides for an additional category for rating contractors performance, clarifies the determination of the individual category ratings, and revises the categories importance factors and includes the factor for the additional category.

(1) Contractors awarded commission projects shall be rated on the following *[three (3) basic] four (4)* categories:

(B) Contract compliance includes, but is not limited to, timely compliance, compliance with traffic control, handling of traffic, *[submission of required documents,]* maintenance of the work site and adherence to environmental requirements; *[and]*

(C) Prosecution and progress includes, but is not limited to, proper planning and execution, achieving the progress schedule, coordinating subcontractors and timely completion~~./.~~; **and**

(D) Contract administration includes, but is not limited to submission of required documents.

(3) A contractor's individual category ratings in the category of "Quality" and "Contract Compliance" will be determined by comparing the total number of points awarded to the total number of points *[assigned, to] possible* for each question completed, based on the weighted average of the total dollar value of work completed *[to date] during the rated period* and pertaining to *[each] applicable* sections of the questionnaire. A contractor's individual category ratings, *[for the remaining categories,]* **in the category of**

"Prosecution & Progress" and "Contract Administration" will be determined by comparing the total number of points awarded *[in each category]* to the total number of points *[assigned to] possible* for each question completed *[in that category]*, based on the weighted average of the contract dollar value.

(4) For overall rating purposes, the categories are assigned importance factors as follows: quality of work, *[thirty-three and one-third percent (33.33%)] thirty percent (30%)*; contract compliance, *[thirty-three and one-third percent (33.33%)] twenty percent (20%)*; *[and]* prosecution and progress, *[thirty-three and one-third percent (33.33%)] thirty percent (30%)*, and contract administration, **twenty percent (20%)**.

AUTHORITY: sections 226.020, 226.130, 227.030, RSMo 2000 and 227.100, RSMo Supp. 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency amendment filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Amended: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002.

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NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.040 Contractor Performance Questionnaire Used in Evaluating Contractor Performance. The commission is amending sections (3) and (5).

PURPOSE: This amendment provides for an additional evaluation category.

(3) The Contractor Performance Questionnaire contains questions that are assigned to the *[three (3)] four (4)* evaluation categories: quality of work; prosecution and progress; *[and]* contract compliance; **and contract administration**. Not all questions will be applicable on any certain project and will, therefore, not be completed.

(5) A copy of the Contractor Performance Questionnaire may be obtained by submitting a written request to the following address: Missouri Department of Transportation, Construction **and Materials**, P./O./ Box 270, Jefferson City, MO 65102.

AUTHORITY: sections 226.020, 226.130, 227.030, RSMo 2000 and 227.100, RSMo Supp. 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and

readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expired May 16, 2000. Amended: Filed Nov. 9, 1999, effective May 30, 2000. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.050 Procedure and Schedule for Completing the Contractor Performance Questionnaire. The commission is amending sections (2), (3) and (4), and adding subsections (3)(A), (3)(B), and (3)(C).

PURPOSE: *This amendment provides for three (3) separate contractor performance reports and provides a brief description of each.*

(2) The Contractor Performance Questionnaire shall be completed in accordance with this chapter and with written instructions given the resident engineer by the Construction and Materials unit. A copy of the current instructions may be obtained from the state construction and materials engineer.

(3) Each Contractor Performance Report shall be completed *[on all projects that were active during the rated year and will be completed within thirty (30) days after final project acceptance, but shall be completed no later than January 15, whichever comes first. Prior reports on the same contract shall not bind or govern the completion of a final report.]* as an Interim Report, Annual Report, or Final Report. The report shall note which type of report it is. The following criteria govern each type of report and when it is completed:

(A) Interim Report. This midseason report is completed on all contractors currently on probation or which have been disqualified when approximately fifty percent (50%) of the work on the project for the year is completed or by September 1, whichever comes first. An Interim Report may also be completed at any time, at the discretion of the engineer, for any contractor when there is a serious concern regarding contractor performance on the project. This report is for informational purposes only.

(B) Annual Report. This report is completed on all active projects. Each Annual Report shall be completed on all projects that were active during the rated year and shall be completed no later than January 15.

(C) Final Report. This report is completed on all projects having received final acceptance during the rated year. The Final Contractor Performance Reports will be completed within thirty

(30) days after final project acceptance, but shall be completed no later than January 15, whichever comes first. Prior reports on the same contract shall not bind or govern the completion of a final report.

(4) The resident engineer shall sign and date the Contractor Performance Questionnaire when *[s/he] he/she* completes his/her rating. The contractor's representative, at his/her election, may meet privately with the resident engineer to review the questionnaire. If the contractor's representative does review the questionnaire, *[s/he] he/she* shall sign and date it as an acknowledgment that *[s/he] he/she* has reviewed it. A copy of the questionnaire shall be furnished to the contractor by the resident engineer. If the contractor's representative does not return a signed questionnaire to the resident engineer within two (2) weeks after it has been mailed to him/her, the questionnaire shall be final, with no further comment to be considered by the contractor's representative.

AUTHORITY: *sections 226.020, 226.130, 227.030, RSMo 2000 and 227.100, RSMo 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expired May 16, 2000. Amended: Filed Nov. 9, 1999, effective May 30, 2000. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

PROPOSED AMENDMENT

7 CSR 10-10.060 Explanation of Standard Deviation Rating System for all Contractors. The commission is amending section (3).

PURPOSE: *This amendment provides for a fourth category in the rating of contractors.*

(3) Overall and Category Ratings. On an annual basis, each contractor who has done work for the commission and which the commission has completed a Contractor Performance Questionnaire, shall be given a rating for each of the *[three (3)] four (4)* categories: quality of work, prosecution and progress *[and]*, and contract compliance, and contract administration as well as receiving an overall rating which combines the ratings of all of the *[three (3)] four (4)* categories.

AUTHORITY: sections 226.020, 226.130, 227.030, RSMo 2000, and 227.100, RSMo 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Amended: Filed April 13, 1994, effective Oct. 30, 1994. Amended: Filed June 12, 1996, effective Jan. 30, 1997. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission

Chapter 10—Contractor Performance Rating to Determine Responsibility

PROPOSED AMENDMENT

7 CSR 10-10.070 Procedure for Annual Rating of Contractors.
The commission amends sections (1) through (5).

PURPOSE: This amendment makes reference to the current name of the unit responsible for determination of annual ratings of contractors and provides that annually, a contractor's overall and category performance will be for all contracts on all active projects rather than limiting to work performed during a specific time period. This amendment also provides that upon determination of a contractor's rating, action recommendations will be made to the chief engineer and that all contractors shall be notified of their annual ratings and any probation or disqualification shall become effective upon the date of the notification. Further, this amendment adds that the final annual ratings propose a level of performance on the contractor's status to bid or perform work as a subcontractor or vendor.

(1) Annual Rating of Contractors. The [C]construction and materials unit shall be responsible for the determination of the annual ratings of contractors. The [C]construction and materials unit will annually determine a contractor's overall and category performance rating for all contracts on [which work was performed during the period, January 1 through December 31] all active projects. The ratings for the categories Quality, [and] Contract Compliance, and Contract Administration will be based on a weighted average of the dollar value of all work completed during the rated year on all contracts. The categor/y/ies, Prosecution and Progress and Contract Administration, shall use contract dollar totals for determining the contractor's performance rating.

(2) Contractor Rating Groups. For purposes of [evaluating] recognizing outstanding contractor performance, contractors shall be divided into [two (2)] four (4) sample groups based upon whether the contractor is a specialty contractor and on the dollar value of the work completed during the rated year.

(A) Contractor Groups. Group one contractors shall be the ten (10) contractors who have the largest dollar value of work completed during the rated year. Contractors not included in group one or the specialty contractor group shall be divided in half as group two, medium volume, contractors and group three, light volume, contractors.

[1. Sample lot one. Sample lot one shall include all contractors belonging in group one contractors and group two, medium volume contractors.

2. Sample lot two. Sample lot two shall include all contractors belonging in group three, light volume contractors and specialty contractors.]

(B) [Commission] Determination of Contractor [Groups and Sample Lots] Ratings. [The commission shall determine all contractor groups and sample lots for the purposes of grouping contractors.] The construction and materials unit shall determine contractor ratings and make action recommendations to the chief engineer.

(3) [Upon the Construction unit's annual rating of all contractors, the ratings shall be reviewed by the state construction engineer.] Upon the [Construction unit's] chief engineer's review and approval, all contractors shall be notified in writing of their annual ratings. The [C]construction and materials unit will act on each contractor or not, based on the overall and category ratings the contractor receives. These actions may range from recognizing very outstanding performance, to recommending that a contractor be declared nonresponsible. Probation or disqualification shall become effective upon the date stated in the written notification.

(4) Review Process. If the contractor disagrees with any particular response on the questionnaire and cannot resolve the dispute with the resident engineer, [s/he] it may request in writing that the district engineer review the matter. Such request must be made to the district engineer within twenty-eight (28) days from the date of the mailing of the questionnaire form to the contractor. However, the contractor's representative shall first have discussed the questionnaire response with the resident engineer in order to resolve the dispute. Upon receiving the contractor's written request to review the particular area of discrepancy on the questionnaire, the district engineer shall review the matter and provide the contractor with a written response regarding the particular area of dispute between the contractor and the resident engineer. All reports shall be submitted to the [C]construction and materials unit before, but no later than, February 15.

(A) "Unacceptable" Rating. No request for review to the committee or to the department regarding the contractors' performance ratings is permitted or is provided under this chapter, with the exception of contractors who receive an unacceptable performance rating.

1. The contractor must have received either an unacceptable category or overall performance rating and timely discussed the dispute with the resident engineer and made a timely written request for review by the district engineer of the particular rating on the questionnaire that the contractor disagrees with as provided in this chapter.

2. If the contractor has complied with the requirements of paragraph (4)(A)1. above, [T/the contractor shall have ten (10) working days to request an informal hearing to review an unacceptable performance rating.

3. The contractor shall submit its request for an informal hearing to the following address: Missouri Department of Transportation, Construction and Materials, P./O./ Box 270, Jefferson City, MO 65102.

(5) No Further Commission Action. As to contractor performance ratings of which no review is requested or permitted under this rule, upon the determination by the [C]construction and materials unit regarding the annual ratings of all contractors and the approval of the chief engineer of the annual ratings, the ratings of the contractors

shall become final for purposes of this chapter and the effect of **this chapter** on a level of performance **on the contractor's status to bid or perform work as a subcontractor or vendor on commission contracts**. No commission action is necessary regarding the annual ratings of the contractors.

AUTHORITY: sections 226.020, 226.130 227.030, RSMo 2000 and 227.100, RSMo 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and read-opted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expired May 16, 2000. Amended: filed Nov. 9, 1999, effective May 30, 2000. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility

PROPOSED AMENDMENT

7 CSR 10-10.080 Determination of Nonresponsibility. The commission amends sections (1) and (2).

PURPOSE: This amendment provides that contractors shall be disqualified as opposed to suspended or debarred when a determination of nonresponsibility has been made and that in addition to being disqualified from bidding, the contractor may also be disqualified from performing work as a subcontractor or vendor. This amendment clarifies the effect and consequences that a determination of nonresponsibility has upon the contractor which has been disqualified under the provisions of this chapter.

(1) Unacceptable Category or Overall Rating. A contractor who receives an initial unacceptable rating shall be placed on probation. Any contractor who is on probation and receives a second unacceptable rating shall be declared nonresponsible and shall be *[suspended]* **disqualified from bidding and, may be declared disqualified from performing work as a subcontractor or vendor**, for a period of one (1) year. *[During this suspension period, no bids shall be accepted from the contractor.]* At the conclusion of this *[suspension]* **disqualification** period, the contractor shall be reinstated on a probationary basis and be allowed to bid on commission projects. Any contractor who *[has previously been suspended]* **is currently disqualified** for unacceptable performance, *[has a current deficiency status,]* and receives a subsequent unacceptable rating shall be declared nonresponsible and *[shall be barred]* **disqualified from bidding on commission projects and, may be declared disqualified from performing work as a subcontractor**

or vendor, for a period of three (3) years. After the three (3) year *[debarment]* **disqualification** period has ended, the contractor may be reinstated on a probationary basis. Any deficiency status shall remain in effect until the contractor obtains an annual average category rating in all categories.

(2) Affiliates of the Contractor. Any probation, *[suspension or debarment]* **or disqualification** of the contractor shall be equally applicable to all affiliates of the contractor.

AUTHORITY: sections 226.020, 226.130, 227.030, RSMo 2000 and 227.100, RSMo 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and read-opted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility

PROPOSED AMENDMENT

7 CSR 10-10.090 Reservation of Rights to Recommend or Declare Persons or Contractors Nonresponsible on Other Grounds. The commission amends sections (1) and (2).

PURPOSE: This amendment provides for a fourth rating category.

(1) Nothing in this chapter shall be construed to waive, limit or restrict the right of the *[chief engineer]* **department** to *[recommend]* **determine** that a contractor be declared nonresponsible, if any individual rating on one (1) or more of the *[three (3)]* **four (4)** rating categories specified in 7 CSR 10-10.030 is so low that *[the chief engineer has]* **there is** cause to believe that the contractor cannot responsibly or competently perform contract work generally, or of a particular type or description. The *[commission]* **department** reserves the right to declare *[nonresponsible]* **disqualified** any contractor which it finds to be incompetent or nonresponsible, with *[those]* **such** terms and conditions governing the disqualification as it deems appropriate.

(2) Nothing in this chapter shall be construed to waive, limit or restrict the right of the *[chief engineer]* **department or of the commission** to *[recommend]* **determine** that a person, firm, corporation or contractor be *[declared nonresponsible]* **disqualified** for any other legal reason, circumstance, or for financial irresponsibility that would support a finding that the person, firm, corporation, or contractor was nonresponsible. The commission reserves the right to

declare nonresponsible any person, firm, corporation or contractor which it finds to be nonresponsible or **ineligible** upon sufficient legal grounds, with those terms and conditions governing [the disqualification] **that action** as it deems appropriate.

AUTHORITY: sections 226.020, 226.130, 227.030, RSMo 2000 and 227.100, RSMo 2002. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Dec. 1, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 20, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.020 Scope and Application. The division is amending section (2).

PURPOSE: This amendment adds equipment exemptions per state statute change.

(2) These rules and regulations do not apply to—

(B) Tiering, piling, feeding, or similar machines or devices giving service within only one (1) story; *for*

(C) Elevator equipment installed in a single-family residence or those installed completely within a single unit of a multi-family residence. These regulations do apply to elevator equipment installed in the common areas of multi-family residences~~/.~~;

(D) Any device inaccessible to the public, not used to transport passengers and built prior to January 1, 1940; or

(E) Single person elevator lifts and belt manlifts operating only in grain elevators or feed mills unless inspection is requested by the owner.

AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Dec. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To

be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.050 New Installations. The division is amending sections (1) and (4).

PURPOSE: This amendment specifies codes and editions adopted by the Elevator Safety Board.

(1) Minimum Standards. All new elevator equipment installed on or after the effective date of these rules and regulations shall be constructed and installed in conformity with the standards prescribed in the American Society of Mechanical Engineers, ASME A17.1, **1996 edition Safety Code for Elevators and Escalators**, A18.1, **1999 edition, Safety Standards for Platform Lifts and Stairway Chair Lifts**, ASME A17.2.1 **1996 edition, Inspector's Manual for Electric Elevators**, ASME A17.2.2 **1997 edition, Inspector's Manual for Hydraulic Elevators**, ASME A17.2.3 **1998 edition, Inspector's Manual for Escalators and Moving Walks**, American National Standard Safety Code for Manlifts ANSI A90.1, **1998 edition**, American National Safety Code for Personnel Hoist ANSI A10.4 [latest version adopted and amended by the Elevator Safety Board,] **1990 edition**, unless as exempted by section 701.359, RSMo. [These standards are hereby adopted by reference and incorporated herein.]

(4) Operating Certificate for New Installations. Prior to operating~~/.~~ a new installation, an operating certificate must be obtained in accordance with 11 CSR 40-5.100 as listed herein.

AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Amended: Filed Dec. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment. The division is amending section (1) and changing section (2) to subsection (1)(T).

PURPOSE: This amendment clarifies purposes and provides more specific direction.

(1) In a political subdivision or municipality that had adopted an edition of ASME A17.1 code, annual safety inspections and tests shall be performed to the code adopted and enforced at the time the elevator equipment was installed. The following standards apply to all existing elevator equipment installed prior to *[the effective date of these rules and regulations]* **July 1, 1999** as provided in 11 CSR 40-5.060. Any installation which is in compliance with the latest ASME A17.1 version adopted and amended by the Elevator Safety Board, unless as exempted by 701.359, RSMo shall be considered to be in compliance with 11 CSR 40-5.065. *[The foregoing standards are incorporated by reference in this rule.]*

(A) Hoistways.

1. Each passenger elevator hoistway landing shall be protected with a door or gate. The door or gate shall be of solid construction and shall guard the entire entrance.

2. All automatic passenger elevators with power doors shall have non-vision panels on hoistway doors.

3. Each hoistway landing in any elevator hoistway shall be continuously provided with a properly working door or gate.

4. Where freight elevator hoistway doors or gates are of open or lattice construction they shall be at least six feet (6') high and shall come within two inches (2") of the floor when closed. Gates shall be constructed as to reject a ball two inches (2") in diameter. They shall withstand a force of two hundred fifty (250) pounds pressure applied in the center of the gate without breaking or forcing it out of its guides.

5. Manually operated bi-parting entrances of elevators which can be operated from the landings shall be provided with pull straps on the inside and outside of the upper panel where the lower edge of the upper panel is more than six feet six inches (6'6") above the landing when the panel is in the fully opened position.

[6. All freight elevators having wooden hoistway gates in an area where power loading equipment, such as fork trucks, electric mules, etc. are used shall have an acceptable means to restrain the power equipment from running through such wooden gates.]

[7.] **6.** Each hoistway door or gate shall be provided with interlocks designed to prevent the car from moving unless the doors or gates are closed. Where doors or gates do not lock when closed they shall lock when the elevator is not more than twelve inches (12") away from the floor. Passenger elevator hoistway doors shall be closed and locked before the car leaves the floor.

[8.] **7.** All hoistway-door interlocks shall be of the hoistway unit type.

[9.] **8.** Automatic fire doors shall not lock any landing opening in the hoistway enclosure from the hoistway side nor lock any exit leading from any hoistway landing to the outside of the building.

[10.] **9.** Emergency keys for hoistway doors and service keys shall be kept readily accessible to authorized persons.

[11.] **10.** Access means shall be provided at one upper landing to permit access to the top of the car, and at the lowest landing if this landing is the normal point of access to the pit.

[12.] **11.** Each hoistway door or gate, which is counterweighted, shall have its weights enclosed in a box-type guide or run in metal guides. The bottom of the guides or boxes shall be so constructed as to retain the counterweight if the counterweight suspension means breaks.

[13.] **12.** Hoistways containing freight elevators shall be fully enclosed. Enclosures shall be unperforated to a height of six feet (6') above each floor or landing and above the treads of adjacent stairways. Unperforated enclosures shall be so supported and braced as to deflect not over one inch (1") when subjected to a force of one hundred (100) pounds applied horizontally to any point. Open work

enclosure may be used above the six-foot (6') level and shall reject a ball two inches (2") in diameter.

[14.] **13.** Hoistways containing passenger elevators shall be fully enclosed and the enclosure shall be of solid construction to its full height.

[15.] **14.** Except where vertical opening bi-parting doors are provided, all elevators provided with automatic leveling, inching or teasing devices and where the landing sills project within the hoistway, shall be equipped with a bevel on the underside of the landing sill. Bevels shall be constructed of smooth concrete or not less than sixteen (16) gauge metal securely fastened to the hoistway entrance. Bevels shall extend the full depth of the leveling zone plus three inches (3").

[16.] **15.** Every hoistway window opening seven (7) stories or less on an outside wall above a thoroughfare and every such window three (3) stories or less above a roof of the building or of an adjacent building shall be guarded to prevent entrance by fire or emergency rescue persons. Each such window shall be marked "hoistway" in a readily visible manner.

16. All electrical wiring in the hoistway shall be enclosed in metal conduit, flexible conduit or metal raceways or be in compliance with NFPA 70, National Electric Code.

17. No pipes conveying liquids, gases or vapors shall be located in a hoistway. Exception: branch lines for sprinkler system and low pressure steam lines for heating.

(B) Car Enclosure: Passenger.

1. Each passenger car shall be fully enclosed except on the sides used for entrance and exit. The enclosure shall be of solid construction. Grill work at the top of the sides shall not be more than eight inches (8") high. If the car is provided with a solid door and there is no grill work in the enclosure, adequate means of ventilation shall be provided.

2. Each passenger car enclosure shall have a top constructed of solid material. The top shall be capable of sustaining a load of three hundred (300) pounds on any area of two feet (2') on a side and one hundred (100) pounds applied at any point. Simultaneous application of these loads is not required.

3. Passenger car enclosure tops shall have an emergency exit with cover. Opening size shall be as set forth in ASME A17.1, rule 204.1E, **1955 edition**. Exception: Hydraulic elevators provided with a manual lowering valve.

4. Each passenger car shall have a door or gate at each entrance. Doors or gates shall be of the horizontally sliding type. Doors shall be of solid construction. Gates shall be of the collapsible type. Gates and doors shall conform to ASME A17.1, rule 204.4, **1955 edition**.

5. Each passenger car door or gate shall have an electric contact to prevent the car from running with doors or gates open. Exceptions:

A. By a car-leveling or truck-zoning device;

B. By a combination hoistway access switch and operating device; or

C. When a hoistway access switch is operated.

6. All automatic passenger elevators with power doors shall have reopening devices on the doors, designed to reopen doors in the event the doors should become obstructed.

7. Where a car door or gate of an automatic or continuous-pressure operation passenger elevator is closed by power, or is of the automatically released self-closing type, and faces a manually operated or self-closing hoistway door, the closing of the car door or gate shall not be initiated unless the hoistway door is in the closed position; and the closing mechanism shall be so designed that the force necessary to prevent closing of a horizontally sliding car door or gate from rest shall be not more than thirty (30) pounds. Exception: Where a car door or gate is closed by power through continuous pressure of a door-closing switch, or of the car operating device, and where the release of the closing switch or operating device will cause the car door or gate to stop or to stop and reopen.

8. Each passenger car shall have lighting inside the enclosure of not less than five (5) foot-candles. Bulbs and tubes shall be guarded to prevent breakage.

9. Each passenger elevator shall have a capacity plate prominently displayed in its enclosure. The capacity plate shall list its capacity in pounds.

10. All passenger elevator car floors shall be maintained so that persons are not exposed to the hazards of tripping or falling.

11. All automatic passenger elevators shall be provided with an alarm bell capable of being activated from inside the car and audible outside the hoistway. If the elevator is not equipped with a bell, a two (2)-way conversation device to the elevator and a ready accessible point outside the hoistway may be acceptable.

12. All automatic passenger elevators shall have their door open zones adjusted to where the door shall not open unless the car has stopped within six inches (6") of floor level.

(C) Car Enclosure: Freight.

1. Each freight elevator car shall have a solid enclosure of at least *[sixty-six inches (66")]* **six feet (6")** in height. The space between the solid section and the car top shall be covered solid or with perforated or lattice-type work. The perforated or lattice work shall reject a ball one and one-half (1 1/2") inches in diameter. The portion of open-type enclosure, which passes the counterweights, shall be of solid construction the entire width of the counterweights plus six inches (6") on either side. The enclosure top shall be provided with an emergency exit. Exception: Hydraulic elevators provided with a manual-lowering valve.

2. Each freight car enclosure shall have doors or gates at each entrance and shall be not less than six feet (6') high. Each door or gate shall be constructed in accordance with ASME A17.1, rule 204.4, **1955 edition**.

3. Each car door or gate on a freight elevator shall have electric contacts to prevent the car from running with doors or gates open. Exceptions:

A. By a car-leveling or truck-zoning device;

B. By a combination hoistway access switch and operating device; or

C. When a hoistway access switch is operated.

4. Each freight elevator car enclosure shall be provided with a top. The top may be solid or open-work construction and shall be of metal. The open work shall reject a ball two inches (2") in diameter. Car tops shall be constructed to sustain a load of two hundred (200) pounds applied at any point on the car top. The top shall not have hinged or folding panels other than the emergency exit cover.

5. Each freight car enclosure shall have lighting not less than two and one-half (2 1/2) foot-candles. Bulbs or tubes shall be guarded to prevent breakage.

6. Each freight car enclosure shall have capacity plate, loading class plates, and a "No Passengers" sign conspicuously posted. Letters shall not be less than one-half inch (1/2") high.

7. Freight elevators shall not be loaded to exceed the rated load as stated on their capacity plates.

8. Each freight elevator car floor shall be maintained so that personnel will not readily slip or trip. The floor shall be maintained so that it will hold its rated load without breaking through at any place in the car.

9. Freight elevators shall not be permitted to carry passengers other than persons to load and unload material and the operator. Permission may be granted to allow the carrying of employees on freight elevators. Application shall be submitted and may be approved by the authorized representative after which the installation shall be tested as determined by the Department of Public Safety.

(G) Maintenance, Repair and Alterations.

1. All maintenance shall comply with ASME A17.1, **1996 edition**, section */1002/* **1200**.

2. All repairs and alterations shall comply with ASME A17.1, **1996 edition**, section 1200.

3. All maintenance, repair and alterations to platform lifts and stairway chair lifts must comply with ASME A18.1, **1999 edition**, *Safety Standard for Platform Lifts and Stairway Chair Lifts. [The foregoing standard is incorporated by reference in this rule.]*
(H) Machine Rooms.

1. All means of access to elevator machine rooms shall be of a permanent nature and shall be constructed and maintained in a clear and unobstructed manner.

2. The elevator machine and control equipment shall be located in a separate room or separated space designed as an elevator machine room or space and shall be accessible only to authorized personnel. Existing machines and equipment essential to the operation and purpose of the building are permitted but must not interfere with the safety and work area for maintaining elevator equipment. Where other existing machines and equipment essential to the operation and purpose of the building are located in the machine room or space, the elevator related equipment and machines shall be separated by a substantial grill constructed of non-combustible material not less than six feet (6') high and the grill shall be of a design that will reject a ball two inches (2") in diameter. All rooms or enclosures shall have a self-closing and self-locking door and shall be operable from the interior space without use of a key. After the effective date of this rule, no equipment shall be added to the machine room or space that is not used in connection with the operation of the elevator.

3. All elevator machine rooms shall be provided with a floor. The floor shall cover the entire area of the machine room and hoistway.

4. Machine room floors shall be kept clean and free of grease and oil. Articles or materials not necessary for the maintenance or operation of the elevator shall not be stored therein. Flammable liquids having a flash point of less than one hundred ten degrees Fahrenheit (110°F) shall not be stored in the machine room.

5. Lighting in the machine room shall be not less than ten (10) foot-candles at floor level.

6. Where there is more than one machine in a room, each machine shall have a different number conspicuously marked on it. The controller, disconnect switch and relay panels for each machine shall be conspicuously numbered to correspond to the machine it controls.

7. All electrical equipment in the machine room shall be grounded which shall conform to ASME A17.1, **1996 edition** and NFPA 70 *[(NEC)] National Electric Code*.

8. All electrical wiring in the machine room *[and hoistway]* shall be enclosed in metal conduit, flexible conduit or metal raceways **or be in compliance with NFPA 70, National Electric Code**.

9. Each elevator having polyphase alternating current power supply shall be provided with means to prevent the starting of the elevator motor if:

A. The phase rotation is in the wrong direction; or

B. There is a failure of any phase. This protection shall be considered provided in the case generator-field control having alternating current motor-generator driving motors, provided a reversal of phase will not cause the elevator driving-machine motor to operate in the wrong direction. Controllers whose switches are operated by polyphase torque motors provide inherent protection against phase reversal or failure.

(I) Pits.

1. All pits shall be kept **dry**, clean and free of equipment or material not relating to the operation of the elevator. Exception: Sump pumps.

2. Buffers (spring or oil type) under cars and counterweights shall be permanently fastened to the floor or their supporting beams.

3. All elevators shall have counterweight guards. Guards shall be of unperforated metal of at least the strength of or braced to the equivalent strength of number fourteen (14) gauge sheet steel. Guards shall extend from a point not more than twelve inches (12") above the pit floor to a point not less than seven feet (7') above the

pit floor. Where guards are not feasible, warning chains shall be installed on the bottom of the counter-weights and shall extend no less than five feet (5') below counterweight. Chains shall be of a number ten (10) U.S. gauge wire or of equal size. Exception: When compensating chains or ropes are used, a counterweight guard is not required.

4. Buffers shall be installed where elevator pits are not provided with buffers and where the pit depth will permit./, /B/buffers shall comply with ASME A17.1, **1955 edition**, section 201.

5. Where the depth of any pit is *[in excess of]* four feet (4') or more, it shall have a ladder permanently installed. The ladder shall extend not less than thirty inches (30") above the sill of the access door, or hand grips shall be provided to the same height. Ladder shall be of noncombustible material.

6. A permanent lighting fixture shall be provided in all pits to provide an illumination of not less than five (5) foot-candles at the pit floor. The fixture switch shall be provided and accessible from the pit access door.

7. An enclosed stop switch meeting the requirements of ASME A17.1, **1995 edition**, rule 210.2(e) shall be installed in the pit of all power elevators and be accessible from the pit access door.

(L) Wire Ropes-Hoisting, Governor and Tiller.

1. All hoisting and governor ropes, when replaced, shall have rope tags. The tags shall provide the following information:

- A. The diameter in inches;
- B. The manufacturer's rated breaking strength;
- C. The grade of material used;
- D. The month and year ropes were installed;
- E. Whether preformed or non-preformed;
- F. Construction classification;
- G. Name of person or firm who installed ropes; and
- H. Name of manufacturer of ropes.

2. Wire ropes on drum-type machines shall be resocketed in compliance with ASME A17.1, **1996 edition**, rule *[1002.3/1206.3]*.

3. Suspension ropes on drum-type machines shall have not less than one (1) turn of the rope on the drum when the car is resting on the fully compressed buffers.

4. Winding drum machines shall not be used unless they are provided with not less than two (2) hoisting ropes. Each counterweight stack shall be provided with not less than two (2) ropes.

5. Tiller cables on cable-operated elevators shall be kept free of breaks.

6. On tiller-cable operations, the cable shall pass through a guiding or stopping device mounted on the car. The cable shall be provided with adjustable stop balls and be provided with means to lock and hold the car at a floor. Stop balls at top and bottom shall be adjusted to automatically stop the car. The tiller cable shall be completely enclosed in the hoistway.

7. All hoisting or counterweight ropes located outside of the hoistway that are exposed shall be covered with a box-type guard. The guard shall be not less than six feet (6') high from floor level.

8. Hoisting, governor and tiller ropes shall not be lengthened or repaired by splicing.

9. Suspension means of chains other than a roller chain type shall not be allowed. Any elevator suspended by a roller chain type shall not be used for the carrying of passengers. Exception: Elevators for the disabled.

10. Hoisting ropes for power elevators shall not be less than three-eighths inch (3/8") in diameter.

11. Hoisting rope fastening means shall be of the socket, babbiting or wedge type. Clamps shall not be used.

12. Rope (cable) replacement. Hoisting, governor and tiller ropes shall be replaced when *[the American National Standards Practice for]* the Inspection of Elevators, Escalators and Moving Walks, ASME A17.2, **1996 edition** Inspectors' Manual, Division 103, Item 103.4 dictates they shall be changed.

(M) Car Safeties and Speed Governors.

1. Each elevator suspended by ropes shall be provided with mechanically applied car safeties which shall be capable of stopping and sustaining its rated load.

2. Broken rope or slack rope safeties may be allowed if the car speed is not in excess of fifty feet per minute (50 fpm).

3. Elevators which are provided solely with broken rope or slack rope safeties shall not be used for passenger service. Exception: Elevators for the disabled.

4. All safeties shall be adjusted so that clearances from the rail shall be in accordance with ASME A17.1, **1955 edition**, rule 1001.2.

5. All slack cable safeties shall be provided with an electrical switch which disconnects power to the elevator machine and brake when setting of the safeties occurs.

6. All safeties operated by a speed governor shall be provided with a speed switch operated by the governor when used with type B or C car safeties on elevators having a rated speed exceeding one hundred fifty (150) fpm. A switch shall be provided on the speed governor when used with a counterweight safety for any car speed.

7. Speed governors shall have their means of speed adjustment sealed.

8. For hoistways not extending to the lowest floor and where space below the hoistway is used for a passageway or is occupied by persons, or if unoccupied but not secured against unauthorized access, the counter-weights of the elevator shall be provided with safeties. Safeties shall be tripped by a speed governor if the car speed is in excess of one hundred fifty (150) fpm. Speed governors shall be set to trip above the car governor tripping speed but not more than ten percent (10%) greater.

(N) Guide Rails.

1. All guide rails and brackets whether of wood or steel shall be firmly and securely anchored or bolted in place. Where T rail is used all fish-plate bolts shall be tight. This shall comply with ASME A17.1, **1955 edition**, section 200.

2. Where guide rails which are worn to such a point that proper clearance of safety jaws cannot be maintained, the worn sections shall be replaced to achieve clearances as specified in ASME A17.1, **1996 edition**, rule 1001.2.

(O) Existing Hydraulic Elevators.

1. Cylinders of hydraulic-elevator machines shall be provided with a means for releasing air or other gas.

2. Each pump or group of pumps shall be equipped with a relief valve conforming to the following requirements:

A. Type and location. The relief valve shall be located between the pump and the check valve and shall be of such a type and so installed in the bypass connection that the valve cannot be shut off from the hydraulic system;

B. Setting. The relief valve shall be preset to open at a pressure not greater than that necessary to maintain one hundred and twenty-five percent (125%) of working pressure;

C. Size. The size of the relief valve and bypass shall be sufficient to pass the maximum rated capacity of the pump without raising the pressure more than twenty percent (20%) above that at which the valve opens. Two (2) or more relief valves may be used to obtain the required capacity; and

D. Sealing. Relief valves having exposed pressure adjustments if used, shall have their means of adjustment sealed after being set to the correct pressure. Exception: No relief valve is required for centrifugal pumps driven by induction motors, provided the shut-off, or maximum pressure which the pump can develop, is not greater than one hundred and thirty-five percent (135%) of the working pressure at the pump.

3. Storage and discharge tanks shall be covered and suitably vented to the atmosphere.

4. Hydraulic elevators shall be governed by the rules contained in ASME A17.1, **1955 edition**, Part III.

5. All repair and alterations of hydraulic elevators shall comply with ASME A17.1, **1996 edition**, section 1201 with supplements thereto.

(P) Existing Sidewalk Elevators.

1. Hoistways shall be permanently enclosed. The enclosures shall conform to ASME A17.1, **1955 edition**, rule 401.1.

2. All interior landings shall have a door or gate which shall be provided with an interlock.

3. Doors opening in sidewalks or other areas exterior to the building shall be of the hinged type. Doors or covers shall be designed to hold a static load of three hundred pounds per square foot (300 ppsf). Doors shall always be closed unless elevator is at the landing.

4. Stops shall be provided to prevent the cover in the opening of the sidewalk from opening more than ninety degrees (90°) from its closed position.

5. Covers in sidewalk shall be designed to close when the car descends from the top landing.

6. Recesses or guides which will securely hold the cover in place on the car stanchions shall be provided on the under side of the cover.

7. All electrical wiring shall be enclosed in metal conduit, flexible conduit or metal raceways. If hoistway opens in the sidewalk, the wiring shall be weatherproof.

8. Operating devices and control equipment shall comply with ASME A17.1, **1955 edition**, rule 402.4.

9. All electric sidewalk elevators shall have upper and lower final limit switches. Open-type switches shall not be allowed.

10. Cars shall have enclosures which shall be not less than six feet (6') in height provided the stanchions and bow iron are of sufficient height. The enclosure shall be provided with electric contacts to prevent the car from running with doors or gates open.

11. Cars shall have safeties. Where the speed of the elevator does not exceed fifty (50) fpm, car safeties which operate as a result of breaking or slackening of the hoisting ropes may be used. Such safeties may be of the inertia type or approved type without governors. Governors shall not be required when car speed does not exceed fifty (50) fpm.

12. Car enclosures and car gates shall not be required for hand-powered sidewalk elevators.

13. All repair and alterations shall comply with ASME A17.1, **1955 edition**, section 1200.

(Q) Existing Hand Elevators.

1. Hand-pow/d/ered elevators shall have hoistway doors. Doors shall be of the self-closing and self-locking type.

2. Hoistway doors shall have signs attached to them indicating elevator hoistway. Sign shall be as follows in not less than two-inch (2") letters: DANGER ELEVATOR—KEEP CLOSED.

3. All hand-powered elevators shall be provided with safeties or slack cable devices. Safeties do not have to be operated by a speed governor unless the speed is in the excess of fifty (50) fpm.

4. Hand-powered elevators shall have a car enclosure which shall be constructed of metal or sound seasoned wood. The enclosure shall cover all sides which are not used for entrance or exit. The enclosure shall be secured to the car platform or frame in such a manner that it cannot work loose or become displaced in ordinary service.

5. Each hand-pow/d/ered elevator shall be provided with a brake which shall be capable of stopping and sustaining the car whether loaded or unloaded.

6. Hand-powered elevators shall not be converted or changed to electric powered unless the complete facility is brought into conformity with ASME A17.1, **1996 edition**.

7. Repair or replacement of worn or broken parts shall be in compliance with ASME A17.1, **1996 edition**, rule 1202.2.

(R) Power Operated Special Purpose Elevators.

1. Elevators complying with the following requirements may be installed in any structure where the elevator is not accessible to the

general public, is used exclusively for designated operating and maintenance employees only, and where transportation of one (1) or two (2) persons is required to attend machinery or equipment frequently.

2. The inside platform area of the car shall not exceed nine (9) square feet. The rated speed shall not exceed one-hundred (100) fpm. The rated load shall not exceed six hundred fifty (650) pounds.

3. Hoistways shall be enclosed to their full width, to a height of not less than seven feet (7') with solid or perforated noncombustible material braced to deflect not more than one inch (1") when subjected to a force of one hundred (100) pounds applied horizontally at any point. Open work enclosures shall be at least number thirteen (13) steel wire gauge or expanded metal at least number thirteen (13) U.S. gauge and shall reject a ball two inches (2") in diameter. Where counterweights pass, landing and stairway side shall be of solid construction.

4. Wiring shall comply with the requirements of ASME A17.1, **1978 edition** and NFPA 70.

5. Counterweights shall comply with the requirements of ASME A17.1, **1978 edition**, Part XV.

6. Hoistway doors shall comply with rules ASME A17.1, **1978 edition**, Part XV.

7. Cars shall be solidly constructed in accordance with ASME A17.1, **1978 edition**, Part XV.

8. Car enclosure.

A. Except at the entrance, the car shall be enclosed on all sides and the top. The enclosure at the sides shall be solid or open work. All open work shall reject a ball one inch (1") in diameter. The enclosure shall be constructed of sufficient strength that it will not deflect more than one inch (1") at any one (1) point.

B. There shall be an electric light to illuminate the car or hoistway with the switch placed on or near the operating panel.

C. There shall be no glass used in the elevator car except for the car light.

9. A car door shall be provided at each car entrance. Door or gate shall guard the complete entrance. The door or gate shall be at least seven feet (7') high, of metal construction with solid or open construction to reject a ball one inch (1") in diameter. A contact switch shall be provided to prevent the operation of the elevator with doors or gates open. The door or gate shall be provided with interlocks.

10. Guide rails shall comply with ASME A17.1, **1978 edition**, Part XV.

11. The means and methods of suspension shall comply with ASME A17.1, **1978 edition**, Part XV.

12. Electrical switches shall comply with ASME A17.1, **1978 edition**, Part XV.

13. Brakes shall comply with ASME A17.1, **1978 edition**, Part XV.

14. Emergency signal or communication shall comply with ASME A17.1, **1978 edition**, Part XV.

(S) Fire Service.

1. Elevators with fire service features shall comply with the **edition of ASME A17.1 that was in print at the time of installation.**

[[2]] (T) Existing Dumbwaiters, Escalators and Moving Walks.

[[A]] 1. Dumbwaiters. All dumbwaiters whether electric or hand powered shall conform to ASME A17.1, **1971 edition**, section 700. Exceptions: Required rules for hoistway construction as set forth in ASME A17.1, **1971 edition** shall not apply to existing installations.

[[B]] 2. Escalators.

[[1.]] A. Each escalator shall be provided with an electrically released mechanically applied brake capable of stopping the up and down traveling escalator with any load up to and including the rated load. The brake shall be located either on the driving machine or on the main drive shaft.

[[2.]] B. Starting switches shall be of the key operated type. Starting switches shall be located on or near the escalator.

[3.] **C.** Emergency stop buttons or other type manually operated switches having red buttons or handles shall be accessibly located at or near the bottom and top landings. The buttons or levers shall be protected to prevent accidental operation.

[4.] **D.** A broken step-chain device shall be provided on each escalator that will cause interruption of power to the driving machine if a step chain breaks or if excessive sag occurs in either step chain.

[5.] **E.** Each escalator shall have comb plates at top and bottom landings of the escalator. Comb plate teeth shall be meshed with and set into slots in the tread surface of the steps so that the points of the teeth are always below the upper surface of the treads.

[6.] **F.** Each escalator balustrade or molding on the balustrade shall have a smooth surface. Screw heads shall set flush with the surface or be of the oval head type without any burrs or rough places on their surface.

[7.] **G.** The clearance on either side of the steps between the step tread and the adjacent skirt panel shall be not more than three-sixteenths inch (3/16").

[8.] **H.** Step treads shall be illuminated throughout their run. The light intensity shall be not less than two (2) foot-candles.

[9.] **I.** An enclosed fused disconnect switch or circuit breaker arranged to disconnect the power supply to the escalator shall be in each machine room or wherever the controller is located.

[10.] **J.** A stop switch shall be provided in each machinery space where means of access to the space is provided. The switch when opened shall cause electric power to be removed from the escalator driving-machine motor and brake. The switch shall be of the manually opened and closed type and shall be marked "STOP."

[11.] **K.** Hand or finger guards shall be provided at the point where the handrail enters the balustrade.

[12.] **L.** Where the clearance of the upper outside edge of the balustrade and a ceiling or scaffold is less than twelve inches (12") or where the intersection of the outside balustrade and a ceiling or soffit is less than twenty-four inches (24") from the centerline of the handrail, a solid guard shall be provided in the intersection of the angle of the outside balustrade and the ceiling or soffit. The vertical front edge of the guard shall project a minimum of fourteen inches (14") horizontally from the apex of the angle. The escalator side of the vertical face of the guard shall be flush with the face of the well-way. The exposed edge of the guard shall be rounded.

[(C)] 3. Moving Walks.

[1.] **A.** Each moving walk shall be provided with an electrical-ly released, mechanically applied brake capable of stopping and holding treadway with a load up to and including the rated load.

[2.] **B.** Starting switches shall be of the key-operated type and shall be located within sight of the exposed treadway.

[3.] **C.** Each moving walk shall be provided with an emergency stop button or manually operated switch at each entrance and exit. The switches shall be protected to prevent the accidental operation of them. The operation of any of these switches shall interrupt the power to the driving-machine motor and brake.

[4.] **D.** A device shall be provided which will cause interruption of power to the driving-machine motor and brake if the connecting means between pallets break.

[5.] **E.** The entrance to and exit from a moving treadway shall be provided with a threshold plate which shall have teeth and be adjusted so that the teeth are below the treadway.

[6.] **F.** An enclosed fused disconnect switch or a circuit breaker arranged to disconnect the power supply to the moving walk shall be provided in the space where the controller is located.

[7.] **G.** If the balustrade covers the edge of the treadway the clearance between the top surface of the treadway and the underside of the balustrade shall not exceed one-fourth inch (1/4"). Where skirt panels are used the horizontal clearance on either side of the treadway and the adjacent skirt panel shall be not more than one-fourth inch (1/4").

[8.] **H.** A stop switch shall be provided in each machinery space where means of access to the space is provided. The switch

when opened shall cause electrical power to be removed from the driving-machine motor and brake. The switch shall be of the manually operated type, and shall be marked "STOP."

[9.] **I.** Hand or finger guards shall be provided at the point handrails enter the balustrade.

[10.] **J.** All balustrades shall be smooth and free of rough surfaces. All screws shall be flush or oval head. Screw heads shall be smooth and free of burrs.

[11.] **K.** On pallet type treadways adjacent ends of the pallets shall not vary in elevation more than one-sixteenth inch (1/16"). The distance between pallets shall not exceed five thirty-seconds inch (5/32").

[12.] **L.** All repairs and alterations shall comply with ASME A17.1, 1996 edition.

AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Emergency amendment filed April 30, 2001, effective May 10, 2001, expired Nov. 5, 2001. Amended: Filed April 30, 2001, effective Oct. 30, 2001. Amended: Filed Dec. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 5—Elevators

PROPOSED AMENDMENT

11 CSR 40-5.070 Accessibility to the Disabled. The division is amending sections (1) and (2).

PURPOSE: This amendment clarifies accessibility issues and includes code edition years adopted by the Elevator Safety Board.

(1) New Installations of Accessible Passenger Elevators and Wheelchair Lifts. *[In addition to the standards imposed, the board hereby adopts and incorporates herein the American National Standards Institute Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Disabled People.] New installations of accessible passenger elevators and wheelchair lifts shall be installed to meet the requirements of ANSI A117.1 1998 edition, Sections 4.10.1 through 4.10.14 and 4.11 latest version adopted and amended by the Elevator Safety Board.*

[(2) Existing passenger elevators and wheelchair lifts required to be accessible, shall comply with 4.10.2.1–4.10.2.7 of ANSI A117.1, latest version adopted and amended by the Elevator Safety Board. The owner, operator, lessee or agent of either, of any existing elevator equipment, subject to this section shall have one (1) year from the effective date of these rules and regulations, or when notice is given to comply; or within one (1) year the owner, operator, lessee, or agent of either, of any existing elevator equipment, subject to this section shall submit a plan to the

board, for approval, outlining the dates to which the requirements of this section will be complied with.]

(2) All elevator equipment installed prior to the development and adoption by the authority having jurisdiction of national accessibility standards are not required to meet this rule unless the equipment undergoes a major alteration.

AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Dec. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.080 Alterations[, Repairs, Replacements, and Maintenance]. The division is amending the title and sections (1) and (4).

PURPOSE: This amendment is for clarification of requirements for alterations to existing elevators.

(1) Minimum Standards. When any alterations[, repairs, replacements or maintenance] are made, all elevator equipment, as a minimum, shall conform to the **applicable** requirements of Part XII of the ASME A17.1, of the latest version adopted and amended by the Elevator Safety Board. [The foregoing standard is incorporated by reference in this rule.]

(4) Operating Certificate for Alterations[, Repairs, Replacement and Maintenance]. Prior to operating, any altered elevator equipment an operating certificate must be obtained in accordance with 11 CSR 40-5.100 as listed herein.

AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Dec. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.120 Inspectors. The division is amending the Purpose and sections (2) and (11).

PURPOSE: This amendment is to clarify requirements for insurance and educational requirements for inspectors.

PURPOSE: This rule identifies qualifications for inspectors employed by the state, private industry and authorized jurisdictions. [The majority of inspections will be by private industry and authorized jurisdictions.]

(2) Qualification of Special Inspector. To be eligible for a license to inspect elevator equipment, the applicant or licensee shall—

(D) Have submitted proof of insurance coverage insuring the applicant against **professional liability** [for injury or death for any acts or] **insurance covering the errors and omissions** [on the part] of the applicant and **commercial general liability coverage, with an occurrence limit of not less than one (1) million dollars and a general aggregate limit of not less than three (3) million dollars.** [The insurance policy shall be in the amount of not less than one (1) million dollars for bodily injury to or death of one person in any one accident, and, subject to the limit for one (1) person, in an amount of not less than three (3) million dollars for bodily injury to or death of two (2) or more persons in any one (1) accident, and in an amount of not less than fifty thousand dollars (\$50,000) for damage to or destruction of property in any one (1) accident.] Additionally, insurance coverage of an employer for whom the special inspector is employed shall be considered to comply with the aforementioned, if the coverage provides equivalent coverage for each special inspector; and

(11) Revocation [and Suspension] of License.

(A) The board may revoke [or suspend] any license for cause. Such cause shall include, but not be limited to the following:

1. Failure to comply with the provisions of sections 701.350–701.380, RSMo, or these rules and regulations; [and]

2. Falsifying or making a material misstatement or omission on any application for license, financial disclosure statement, or inspection report[.]; and

3. **Failure to attend at least one (1) Missouri State elevator code update meeting per calendar year conducted by the department.**

AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Emergency amendment filed Aug. 24, 2000, effective Sept. 4, 2000, expired March 2, 2001. Amended: Filed Aug. 29, 2000, effective Feb. 28, 2001. Amended: Filed Dec. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.260 Occupational Licenses. The commission is amending section (4).

PURPOSE: The commission proposes to amend this rule by providing that municipal ordinance violations constitute offenses for which an occupational gaming license may be denied or revoked.

(4) The commission may refuse an occupational license to any person or revoke **or suspend** an occupational license of any person—

(A) Who has been convicted of a crime **or municipal ordinance violation** or has been found guilty of, plead guilty to or plead *nolo contendere* to a crime **or municipal ordinance violation**, including such findings or pleas in a suspended imposition of sentence;

AUTHORITY: sections 313.004 and 313.805, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 21, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m., February 5, 2003, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.448 Proof of Identity and Proof of Social Security Number Required for Issuance of a Driver['s] or Nondriver['s] License. The director proposes to amend the title and section (2).

PURPOSE: This amendment requires driver license office personnel to ask for additional documentation when using a previously stored image to verify identification of a driver license, nondriver license, or instruction permit applicant.

(2) A renewal applicant is required to show only his or her current driver['s] or nondriver['s] license. If the license is unavailable, the license office clerk must obtain the digital image of the applicant's previous license transaction where a comparison of the image on the file can be made to the person in the office **and require one (1) secondary document**, or the clerk must require the applicant to submit two (2) primary documents or one (1) primary and one (1) secondary document for proof of identity.

AUTHORITY: section 302.171, RSMo [Supp. 1997] 2000. Original rule filed March 27, 1998, effective Sept. 30, 1998. Emergency amendment filed Dec. 16, 2002, effective Dec. 26, 2002, expires June 23, 2003. Amended: Filed Dec. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 31—Child Abuse**

PROPOSED AMENDMENT

13 CSR 40-31.025 Child Abuse and Neglect Review Process. The Division of Family Services is amending section (2) by deleting the word "Probate" and replacing it with the word "Probable".

PURPOSE: This amendment is a correction to a typographical error.

(2) The alleged perpetrator will receive written notification as to the decision of the local division office. This notification will include a statement that if the alleged perpetrator disagrees with the *[Probate]* **Probable** Cause decision, s/he may request a review.

AUTHORITY: section 207.020, RSMo [1994] 2000. Original rule filed June 30, 1988, effective Sept. 29, 1988. Amended: Filed Sept. 26, 1989, effective Dec. 28, 1989. Amended: Filed June 14, 1996, effective Dec. 30, 1996. Amended: Filed Nov. 20, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Randall McDermit, Program Development Specialist, Children's Services, 615 Howerton, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

PROPOSED AMENDMENT

15 CSR 30-50.030 Fees. The Commissioner of Securities is proposing to amend subsection (1)(B).

PURPOSE: This amendment changes to whom checks, drafts, and money orders should be made payable.

(1) General Provisions.

(B) Fees shall be remitted by check, draft or money order (cash is not acceptable) payable to the *[Director of Revenue, State of Missouri]* Missouri Secretary of State, or if the application is submitted through the Central Registration Depository (CRD) System or Investment Adviser Registration Depository (IARD) system, fees shall be remitted by check or wire transfer to the financial institution designated by the National Association of Securities Dealers (NASD).

AUTHORITY: sections 409.202(b), 409.305(b) and (j), 409.413 and 409.414(d) and (e), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 26, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 4—Coordinated Health Care Services**

PROPOSED AMENDMENT

19 CSR 10-4.020 J-1 Visa Waiver Program. The Department proposes to amend subsections (1)(A)–(1)(C); delete paragraphs of (2)(A)10. and 11. and to renumber the affected paragraph; amend section (5); amend subsection (6)(B); amend section (14); and delete Appendices A, B, C and D.

PURPOSE: This proposed amendment is to amend: 1) the ability and the criteria necessary for physicians trained in other specific high need specialties besides primary care to participate in the J-1 Visa Program; 2) the documentation required by applicants; 3) prioritization of certain specialties; and 4) the application and reporting requirements for facilities that participate in the J-1 Visa Program.

(1) The following definitions shall be used in the interpretation and enforcement of this rule:

(A) Department means the Missouri Department of Health and Senior Services;

(B) Director means the director of the Missouri Department of Health and Senior Services; and

(C) Health professional shortage area (HPSA) means those counties or parts of counties designated by the United States Department of Health and Human Services as having a shortage of *[primary care]* physicians as published in the *Code of Federal Regulations*.

(2) The department is committed to assisting all residents of Missouri to have access to quality, affordable health care. Therefore, under certain conditions, the department is prepared to consider recommending a waiver of the foreign residence requirement on behalf of physicians holding J-1 visas.

(A) A waiver request must come from a Missouri health care facility on behalf of a J-1 physician and not directly from a J-1 physician.

All of the required information and documentation must be submitted in a single package with the documents presented in the order in paragraphs (2)(A)1.–14. Waiver requests that do not comply with these requirements will not be considered. The required documents include:

1. A letter from the head of the facility at which the physician will be employed that—

A. Requests that the department act as an interested government agency and recommend a waiver for the J-1 physician;

B. Summarizes how the health care facility has attempted to locate qualified United States physicians;

C. Describes the physician's qualifications, proposed responsibilities and how his/her employment will satisfy important unmet health care needs of a medically underserved rural community; and

D. States unequivocally that the facility is offering the physician at least three (3) years of employment in a job consistent with the department's mission;

2. A detailed description of the health care facility will be provided, including the nature and extent of the facility's medical services;

3. Valid contract of employment with the health care organization for not less than three (3) years;

4. List of HPSAs or documentation from state and local health care officials stating need for services of the physician;

5. Recruitment and retention efforts including copies of advertisements, agreements with placements services or other like documentation, and if these are not available, a detailed statement describing recruitment efforts. A statement should be submitted detailing the plans for retaining the physician during and beyond the three (3)-year obligation;

6. Effect on area of waiver denial;

7. Qualifications, including proof of Missouri medical licensure eligibility;

8. Physician's curriculum vitae and letters of recommendation;

9. Copies of all IAP-66s of physician, copies of I-94s of physician and family members, and proof of passage of examinations required by the United States Immigration and Naturalization Service;

[10. Completed physician data sheet (attached as Appendix A);

11. Completed J-1 visa waiver policy affidavit and agreement (attached as Appendix B);]

[12.]10. Valid offer of employment with health care organization for at least three (3) years;

[13.]11. A copy of the notice from the department that the facility has been predetermined eligible for participation in the program; and

[14.]12. An original and one (1) unbound copy of the entire package should be included.

(5) The department's J-1 Visa Waiver Program in Missouri will give priority to those physicians who are board-eligible or board-certified in one (1) of the following specialties: Family Practice, General Practice, General Pediatrics, Obstetrics/Gynecology, *[General Internal Medicine]* or Psychiatry and providing services in a primary care clinical setting. *[Physicians with other subspecialties or fellowship experience are not considered to be primary care physicians for the purpose of the J-1 Visa Waiver Program in Missouri.]* The credentials of the J-1 physician must be confirmed by the Missouri Board of Healing Arts. The physician must be eligible for licensure in Missouri.

(6) In addition to the eligible physicians set forth in section (5), waivers may be recommended for other specialties and subspecialties.

(B) *[Only four (4) slots will be allocated to specialty placements in any given program year.] The number of specialty placements in any given program year will be determined by the*

quantifiable need for health care services in the state as a whole and the identified placement community.

(14) In order to assist and facilitate the placement of *[primary care]* practitioners in designated HPSAs in Missouri, the department will provide, upon request, the following information:

AUTHORITY: section 191.411.1, RSMo [1994] Supp 2001. This rule was previously filed as 19 CSR 50-4.020. Emergency rule filed April 17, 1995, effective April 27, 1995, expired Aug. 24, 1995. Original rule filed April 17, 1995, effective Oct. 30, 1995. Changed to 19 CSR 10-4.020 July 30, 1998. Emergency amendment filed Sept. 19, 2000, effective Sept. 29, 2000, expired March 27, 2001. Amended: Filed Sept. 19, 2000, effective Feb. 28, 2001. Emergency amendment filed Dec. 16, 2002, effective Dec. 26, 2002, expires June 23, 2003. Amended: Filed Dec. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Harold Kirby, Chief, Health Systems Development Unit, 920 Wildwood, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases**

PROPOSED AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases. The Department of Health and Senior Services proposes to amend the Purpose, sections (1)–(4) and (6)–(8), subsections (1)(A), (1)(B) and to add a new subsection (1)(C).

PURPOSE: This amendment: adds the requirement to report infections and adverse reactions due to smallpox inoculation; specifies those diseases included in the current category of “Encephalitis, arthropod-borne,” adds “West Nile virus fever,” adds human “animal bite wounds,” adds three (3) diseases that are nationally notifiable, corrects a misprint regarding human immunodeficiency virus (HIV) viral load measurement, and updates the department’s name.

PURPOSE: This rule designates the diseases, disabilities, conditions and findings that must be reported to the local health authority or the Department of Health and Senior Services. It also establishes when they must be reported.

(1) Category I diseases or findings shall be reported to the local health authority or to the Department of Health and Senior Services within twenty-four (24) hours of first knowledge or suspicion by telephone, facsimile or other rapid communication. Category I diseases or findings are—

(A) Diseases, findings or agents that occur naturally or from accidental exposure:

Animal (mammal) bite wound, humans

Diphtheria

Haemophilus influenzae, invasive disease

Hantavirus pulmonary syndrome

Hepatitis A

Hyperthermia

Hypothermia

Influenza, suspected—nosocomial outbreaks and public or private school closures

Lead (blood) level greater than or equal to forty-five micrograms per deciliter (45 µg/dl) in any person equal to or less than seventy-two (≤72) months of age

Measles (rubeola)

Meningococcal disease, invasive

Outbreaks or epidemics of any illness, disease or condition that may be of public health concern

Pertussis

Poliomyelitis

Rabies, animal or human

Rubella, including congenital syndrome

Staphylococcus aureus, vancomycin resistant

***Streptococcus pneumoniae*, invasive in children less than five (5) years**

Syphilis, including congenital syphilis

Tuberculosis disease

Typhoid fever

(B) Diseases, findings or agents that occur naturally or that might result from a terrorist attack involving biological, radiological, or chemical weapons:

Adult respiratory distress syndrome (ARDS) in patients under fifty (50) years of age (without a contributing medical history)

Anthrax

Botulism

Brucellosis

Cholera

Encephalitis/meningitis, Venezuelan equine

Glanders

Hemorrhagic fever (e.g., dengue, yellow fever)

Plague

Q fever

Ricin

Smallpox (variola)

Staphylococcal enterotoxin B

T-2 mycotoxins

Tularemia

(C) Diseases, findings or adverse reactions that occur as a result of inoculation to prevent smallpox, including but not limited to the following:

Accidental administration

Accidental implantation (inadvertent autoinoculation)

Bacterial infection of site of inoculation

Congenital vaccinia

Contact vaccinia (i.e., vaccinia virus infection in a contact of a smallpox vaccinee)

Eczema vaccinatum

Erythema multiforme

Generalized vaccinia

Post-vaccinial encephalitis

Progressive vaccinia (vaccinia necrosum, vaccinia gangrenosa, disseminated vaccinia)

Vaccinia keratitis

(2) Category II diseases or findings shall be reported to the local health authority or the Department of Health and Senior Services within three (3) days of first knowledge or suspicion. Category II diseases or findings are—

Acquired immunodeficiency syndrome (AIDS)

Arsenic poisoning

Blastomycosis

California serogroup viral encephalitis/meningitis

Campylobacter infections

Carbon monoxide poisoning
CD4+ T cell count
Chancroid
Chemical poisoning, acute, as defined in the most current ATSDR CERCLA Priority List of Hazardous Substances; if terrorism is suspected, refer to **subsection (1)(B)**
Chlamydia trachomatis, infections
Coccidioidomycosis
Creutzfeldt-Jakob disease
Cryptosporidiosis
Cyclosporidiosis
Eastern equine viral encephalitis/meningitis
Ehrlichiosis, human granulocytic, *[or]* monocytic, **or other/unspecified agent**
[Encephalitis, arthropod-borne [except VEE, see section (1)(B)]]
Escherichia coli O157:H7
***Escherichia coli*, shiga toxin positive, serogroup non-O157:H7**
Giardiasis
Gonorrhea
Hansen disease (leprosy)
Heavy metal poisoning including, but not limited to, cadmium and mercury
Hemolytic uremic syndrome (HUS), post-diarrheal
Hepatitis B, acute
Hepatitis B surface antigen (prenatal HBsAg) in pregnant women
Hepatitis C
Hepatitis non-A, non-B, non-C
Human immunodeficiency virus (HIV)-exposed newborn infant (i.e., newborn infant whose mother is infected with HIV)
Human immunodeficiency virus (HIV) infection, as indicated by HIV antibody testing (reactive screening test followed by a positive confirmatory test), HIV antigen testing (reactive screening test followed by a positive confirmatory test), detection of HIV nucleic acid (RNA or DNA), HIV viral culture, or other testing that indicates HIV infection
Human immunodeficiency virus (HIV) test results (including both positive and negative results) for children less than two (2) years of age whose mothers are infected with HIV *[Human immunodeficiency virus (HIV) viral load measurement (including nondetectable results)]*
Human immunodeficiency virus (HIV) viral load measurement (including non-detectable results)
Influenza, laboratory-confirmed
Lead (blood) level less than forty-five micrograms per deciliter ($<45 \mu\text{g/dl}$) in any person equal to or less than seventy-two (≤ 72) months of age and any lead (blood) level in persons older than seventy-two (>72) months of age
Legionellosis
Leptospirosis
Listeria monocytogenes
Lyme disease
Malaria
Methemoglobinemia
Mumps
Mycobacterial disease other than tuberculosis (MOTT)
Nosocomial outbreaks
Occupational lung diseases including silicosis, asbestosis, byssinosis, farmer's lung and toxic organic dust syndrome
Pesticide poisoning
Powassan viral encephalitis/meningitis
Psittacosis
Respiratory diseases triggered by environmental contaminants including environmentally or occupationally induced asthma and bronchitis
Rocky Mountain spotted fever
Saint Louis viral encephalitis/meningitis
Salmonellosis

Shigellosis
Streptococcal disease, invasive, Group A
Streptococcus pneumoniae, drug resistant invasive disease
Tetanus
Toxic shock syndrome, staphylococcal or streptococcal
Trichinosis
Tuberculosis infection
Varicella deaths
West Nile fever
West Nile viral encephalitis/meningitis
Western equine viral encephalitis/meningitis
Yersinia enterocolitica

(3) The occurrence of an outbreak or epidemic of any illness, disease or condition which may be of public health concern, including any illness in a food handler that is potentially transmissible through food. This also includes public health threats that could result from terrorist activities such as clusters of unusual diseases or manifestations of illness and clusters of unexplained deaths. Such incidents shall be reported to the local health authority or the Department of Health and Senior Services by telephone, facsimile, or other rapid communication within twenty-four (24) hours of first knowledge or suspicion.

(4) A physician, physician's assistant, nurse, hospital, clinic, or other private or public institution providing diagnostic testing, screening or care to any person with any disease, condition or finding listed in sections (1)–(3) of this rule, or who is suspected of having any of these diseases, conditions or findings shall make a case report to the local health authority or the Department of Health and Senior Services, or cause a case report to be made by their designee, within the specified time.

(6) Any person in charge of a public or private school, summer camp or child or adult care facility shall report to the local health authority or the Department of Health and Senior Services the presence or suspected presence of any diseases or findings listed in sections (1)–(3) of this rule according to the specified time frames.

(7) All local health authorities shall forward to the Department of Health and Senior Services reports of all diseases or findings listed in sections (1)–(3) of this rule. All reports shall be forwarded within twenty-four (24) hours after being received, according to procedures established by the Department of Health and Senior Services director. Reports will be forwarded as expeditiously as possible if a terrorist event is suspected or confirmed. The local health authority shall retain from the original report any information necessary to carry out the required duties in 19 CSR 20-20.040(2) and (3).

(8) Information from patient medical records received by local public health agencies or the Department of Health and Senior Services in compliance with this rule is to be considered confidential records and not public records.

AUTHORITY: sections 192.006, [RSMo Supp. 1999 and] 192.020, 192.139, 210.040 and 210.050, RSMo [1994] 2000. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 16, 2002, effective Dec. 26, 2002, expires June 23, 2003. Amended: Filed Dec. 16, 2002.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions one thousand three hundred eighty-six dollars (\$1,386) annually in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities seven thousand four hundred eighty-three dollars (\$7,483) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Bryant McNally, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, Jefferson City, MO 65102-0570, Phone (573) 751-6080. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 20-20.020, Reporting Communicable, Environmental and Occupational Diseases
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision:	Estimated Cost of Compliance in the Aggregate:
Note: Reports of communicable, environmental and occupational diseases and conditions come from the following public entities. The percents listed reflect the percent of these reports received by DHSS that come from each of these entities:	
-State Public Health lab, public hospital labs	13% (\$720.72)
-County/district health agencies	9% (\$498.96)
-Public schools	3% (\$166.32)
TOTAL	25% (\$1,386) annually

III. WORKSHEET - PUBLIC COST ANALYSIS

1. REPORTING SMALLPOX VACCINATION-RELATED CONDITIONS.

Assumption: Implementation of Phase II of the smallpox inoculation plan from the Centers for Disease Control and Prevention (CDC), with approximately 200,000 Missourians inoculated. Estimated rates of secondary transmission and adverse reactions are as follows¹:

- a. Secondary transmission (contact vaccinia): 2-6 cases/100,000; worst-case is **12 cases**.
- b. Adverse reactions:
 - Inadvertent autoinoculation: 606 cases/1 million inoculations = **121.2 cases**.
 - Bacterial infection of site of inoculation: Unknown rate – less common in adults due to less scratching at site and better care of site. **Negligible number of cases**.
 - Congenital vaccinia: Defined as infection of the fetus in the last trimester with evidence of disease in the newborn infant. No proven instance of congenital abnormalities has been attributed to vaccination during any stage of pregnancy. Some have postulated that vaccination in the first trimester results in some fetal loss but this has not been substantiated. Congenital vaccinia is a very rare event. Despite large-scale vaccination campaigns in the past that undoubtedly resulted in inadvertent

vaccination of many pregnant women, fewer than 50 cases of congenital disease have been recorded in the literature. **Negligible number of cases.**

- Eczema vaccinatum: 30 cases/1 million inoculations = **6 cases.**
- Erythema multiforme: 30 cases/1 million inoculations = **6 cases.**
- Generalized vaccinia: 212 cases/1 million inoculations = **42.4 cases.**
- Post-vaccinial encephalitis: 4 cases/1 million inoculations = **0.8 case.**
- Progressive vaccinia: 7 cases/1 million inoculations = **1.4 cases.**
- Vaccinia keratitis: Unknown, but not common. **Negligible number of cases.**

c. Accidental administration: Occurs “occasionally.” **Negligible number of cases.**

Total number of reportable incidents related to 200,000 smallpox inoculations = 189.8

PUBLIC ENTITY COST TO REPORT SMALLPOX INOCULATION-RELATED INCIDENTS = \$110.18. It has been calculated that generally about 25% of the communicable disease reports received by the Department of Health and Senior Services (DHSS) come from public sources such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of the communicable disease reports come from private sources such as hospitals, hospital laboratories, private laboratories, private providers, and private schools. However, most of the smallpox inoculation-related conditions are diagnosed clinically and a larger proportion of these incidents would probably be reported by private hospitals and physicians. The proportion of public to private reporting of smallpox inoculation-related conditions is therefore estimated to be 15% and 85%, respectively. The public entity cost is then calculated using the following: (a) 15% of the reports received by DHSS come from public sources, (b) It takes about 12 minutes to report each case or 0.2 hourly salary of a Community Health Nurse II with a salary of \$36,960/year (\$17.50 hour), (c) Postage of \$0.37 to mail each report (this overstates the expense since many will be sent electronically). The public entity cost is:

(1) No. Cases Per Year	(2) 0.2 X Hourly Rate-\$	(3) Salary Expense-\$ (1 X 2)	(4) Postage Rate	(5) Postage Total-\$ (1 X 4)	(6) Total (3 + 5)	(7) 0.15(Total) 0.15(6)
189.8	3.50	664.30	0.37	70.23	734.53	\$110.18

¹ Sources: (1) CDC. *Epidemiology and Prevention of Vaccine-Preventable Diseases (The Pink Book)*; (7th Ed.); April 2002. (2) CDC. *Interim Smallpox Response Plan and Guidelines*. (3) ACIP. Vaccinia (smallpox) vaccine: recommendations of the Advisory Committee on Immunization Practices (ACIP), 2001. *MMWR* 2001; 50 (No. RR-10).

(4) <http://www.bt.cdc.gov/training/smallpoxvaccine/reactions/.html> (figures based on worst case of either CDC's 1968 National Survey or 1968 Ten State Survey for 20+ year age group).

2. SPECIFICATION OF DISEASES CURRENTLY INCLUDED IN CATEGORY OF "ENCEPHALITIS, ARTHROPOD-BORNE." These conditions are: (a) California serogroup viral encephalitis/meningitis, (b) Eastern equine viral encephalitis/meningitis, (c) Powassan viral encephalitis/meningitis, (d) Saint Louis viral encephalitis/meningitis, (e) West Nile viral encephalitis/meningitis, (f) Western equine viral encephalitis/meningitis. These conditions are already reportable, so there is no additional public cost.

3. ADDITION OF "WEST NILE FEVER." National data indicate that about 23% of the human West Nile virus infections result in fever rather than meningoencephalitis. Assuming Missouri has the same number of WNV infections in 2003 as in 2002 (i.e., 169), then statistically, 38.87 (0.23×169) of these infections would be classified as WN fever and will represent a new reporting burden.

PUBLIC ENTITY COST TO REPORT WNV FEVER CASES = \$37.61. The public entity cost is calculated using the following: (a) 25% of the reports received by DHSS come from public sources, (b) It takes about 12 minutes to report each case or 0.2 hourly salary of a Community Health Nurse II with a salary of \$36,960/year (\$17.50 hour), (c) Postage of \$0.37 to mail each report (this overstates the expense since many will be sent electronically). The public entity cost is:

(1) No. Cases Per Year	(2) 0.2 X Hourly Rate-\$	(3) Salary Expense-\$ (1 X 2)	(4) Postage Rate	(5) Postage Total-\$ (1 X 4)	(6) Total (3 + 5)	(7) 0.25(Total) 0.25(6)
38.87	3.50	136.05	0.37	14.38	150.43	\$37.61

4. ADDITION OF "COCCIDIOIDOMYCOSIS." This disease is endemic in the southwestern U.S. and is on CDC's list of nationally notifiable diseases. Since only an occasional imported case might occur in Missouri, the public costs associated with reporting this disease are negligible.

5. ADDITION OF "ANIMAL (MAMMAL) BITE WOUND, HUMAN." Data gathered using the Sentinel Active Surveillance System (SASS) from 1995 through 2000 indicate that an average (mean) of 1,959 animal bites are reported to local public health agencies across Missouri each year. SASS was replaced with the High Alert Surveillance System following the events of September 11, 2001 and animal bites are not reported under the latter system. "Animal bite wound" is not a laboratory-diagnosed condition and the assumption is again made (as with the smallpox vaccination analysis noted above) that a greater than normal proportion of reports would come from private sources than from public sources, i.e., public sources – 15%, private sources 85%.

PUBLIC ENTITY COST TO REPORT ANIMAL BITE CASES = **\$1,137.20**. The public entity cost is calculated using the following: (a) 15% of the reports received by DHSS come from public sources, (b) It takes about 12 minutes to report each case or 0.2 hourly salary of a Community Health Nurse II with a salary of \$36,960/year (\$17.50 hour), (c) Postage of \$0.37 to mail each report (this overstates the expense since many will be sent electronically). The public entity cost is:

(1) No. Cases Per Year	(2) 0.2 X Hourly Rate-\$	(3) Salary Expense-\$ (1 X 2)	(4) Postage Rate	(5) Postage Total-\$ (1 X 4)	(6) Total (3 + 5)	(7) 0.15(Total) 0.15(6)
1,959	3.50	6,856.50	0.37	724.83	7,581.33	\$1,137.20

6. ADDITION OF “STREPTOCOCCUS PNEUMONIAE, INVASIVE IN CHILDREN LESS THAN 5 YEARS.” This disease was recently added to CDC’s list of nationally notifiable diseases. Only one to two cases per year occur in Missouri, so additional public reporting costs are negligible.

7. ADDITION OF “ESCHERICHIA COLI, SHIGA TOXIN POSITIVE, SEROGROUP NON-O157:H7.” Based on information from CDC and existing Missouri data, it is estimated that an average of 104 cases of this condition occur annually in Missouri.

PUBLIC ENTITY COST TO REPORT *E. COLI* NON-O157:H7 CASES = **\$100.62**. The public entity cost is calculated using the following: (a) 25% of the reports received by DHSS come from public sources, (b) It takes about 12 minutes to report each case or 0.2 hourly salary of a Community Health Nurse II with a salary of \$36,960/year (\$17.50 hour), (c) Postage of \$0.37 to mail each report (this overstates the expense since many will be sent electronically). The public entity cost is:

(1) No. Cases Per Year	(2) 0.2 X Hourly Rate-\$	(3) Salary Expense-\$ (1 X 2)	(4) Postage Rate	(5) Postage Total-\$ (1 X 4)	(6) Total (3 + 5)	(7) 0.25(Total) 0.25(6)
104	3.50	364	0.37	38.48	402.48	\$100.62

8. CORRECTION OF MISPRINT REGARDING HIV VIRAL LOAD MEASUREMENT. No additional public reporting costs.

9. UPDATE OF DEPARTMENT OF HEALTH AND SENIOR SERVICES’ NAME. No additional public reporting costs.

10. TOTAL PUBLIC COST: \$110.18 + \$37.61 + \$1,137.20 + \$100.62 = **\$1,385.61 annually**

IV. ASSUMPTIONS

- A. Missouri will implement Phase II of the Centers for Disease Control and Prevention's smallpox inoculation plan, which will result in inoculation of 200,000 Missourians.
- B. Generally, about 25% of the communicable disease reports received by the Department of Health and Senior Services (DHSS) come from public sources such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of the communicable disease reports come from private sources such as hospitals, hospital laboratories, private laboratories, private providers, and private schools.
- C. The incidence of West Nile virus cases in Missouri in 2003 will be similar to the number during 2002.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 20-20.020, Reporting Communicable, Environmental and Occupational Diseases
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Note: Reports of communicable, environmental and occupational diseases and conditions come from the following private entities. The percents listed reflect the percent of these reports received by DHSS that come from each of these entities:	
153	-Hospitals	26% (\$2,594.11)
91	-Hospital laboratories	14% (\$1,396.83)
34	-Private laboratories	13% (\$1,297.05)
6,328	-Private providers	8% (\$798.19)
90	-Private schools	4% (\$399.09)
	-Unknown	10% (\$997.73)
	TOTAL	75% (\$7,483) annually

III. WORKSHEET - PRIVATE COST ANALYSIS

1. REPORTING SMALLPOX VACCINATION-RELATED CONDITIONS.

Assumption: Implementation of Phase II of the smallpox inoculation plan from the Centers for Disease Control and Prevention (CDC), with approximately 200,000 Missourians inoculated. Estimated rates of secondary transmission and adverse reactions are as follows¹:

- a. Secondary transmission (contact vaccinia): 2-6 cases/100,000; worst-case is **12 cases**.
- b. Adverse reactions:
 - Inadvertent autoinoculation: 606 cases/1 million inoculations = **121.2 cases**.
 - Bacterial infection of site of inoculation: Unknown rate – less common in adults due to less scratching at site and better care of site. **Negligible number of cases**.

- Congenital vaccinia: Defined as infection of the fetus in the last trimester with evidence of disease in the newborn infant. No proven instance of congenital abnormalities has been attributed to vaccination during any stage of pregnancy. Some have postulated that vaccination in the first trimester results in some fetal loss but this has not been substantiated. Congenital vaccinia is a very rare event. Despite large-scale vaccination campaigns in the past that undoubtedly resulted in inadvertent vaccination of many pregnant women, fewer than 50 cases of congenital disease have been recorded in the literature. **Negligible number of cases.**
- Eczema vaccinatum: 30 cases/1 million inoculations = **6 cases.**
- Erythema multiforme: 30 cases/1 million inoculations = **6 cases.**
- Generalized vaccinia: 212 cases/1 million inoculations = **42.4 cases.**
- Post-vaccinal encephalitis: 4 cases/1 million inoculations = **0.8 case.**
- Progressive vaccinia: 7 cases/1 million inoculations = **1.4 cases.**
- Vaccinia keratitis: Unknown, but not common. **Negligible number of cases.**

c. Accidental administration: Occurs “occasionally.” **Negligible number of cases.**

Total number of reportable incidents related to 200,000 smallpox inoculations = 189.8

PRIVATE ENTITY COST TO REPORT SMALLPOX INOCULATION-RELATED INCIDENTS = **\$624.35**. It has been calculated that generally about 25% of the communicable disease reports received by the Department of Health and Senior Services (DHSS) come from public sources such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of the communicable disease reports come from private sources such as hospitals, hospital laboratories, private laboratories, private providers, and private schools. However, most of the smallpox inoculation-related conditions are diagnosed clinically and a larger proportion of these incidents would probably be reported by private hospitals and physicians. The proportion of public to private reporting of smallpox inoculation-related conditions is therefore estimated to be 15% and 85%, respectively. The private entity cost is calculated using the following: (a) 85% of the reports received by DHSS come from private sources, (b) It takes about 12 minutes to report each case or 0.2 hourly salary of a Community Health Nurse II with a salary of \$36,960/year (\$17.50 hour), (c) Postage of \$0.37 to mail each report (this overstates the expense since many will be sent electronically). The private entity cost is:

(1) No. Cases Per Year	(2) 0.2 X Hourly Rate-\$	(3) Salary Expense-\$ (1 X 2)	(4) Postage Rate	(5) Postage Total-\$ (1 X 4)	(6) Total (3 + 5)	(7) 0.85(Total) 0.85(6)
189.8	3.50	664.30	0.37	70.23	734.53	\$624.35

¹ Sources: (1) CDC. *Epidemiology and Prevention of Vaccine-Preventable Diseases (The Pink Book)*; (7th Ed.); April 2002. (2) CDC. *Interim Smallpox Response Plan and Guidelines*. (3) ACIP. Vaccinia (smallpox) vaccine: recommendations of the Advisory Committee on Immunization Practices (ACIP), 2001. *MMWR* 2001; 50 (No. RR-10). (4) <http://www.bt.cdc.gov/training/smallpoxvaccine/reactions/.html> (figures based on worst case of either CDC's 1968 National Survey or 1968 Ten State Survey for 20+ year age group).

2. SPECIFICATION OF DISEASES CURRENTLY INCLUDED IN CATEGORY OF "ENCEPHALITIS, ARTHROPOD-BORNE." These conditions are: (a) California serogroup viral encephalitis/meningitis, (b) Eastern equine viral encephalitis/meningitis, (c) Powassan viral encephalitis/meningitis, (d) Saint Louis viral encephalitis/meningitis, (e) West Nile viral encephalitis/meningitis, (f) Western equine viral encephalitis/meningitis. These conditions are already reportable, so there is no additional private cost.

3. ADDITION OF "WEST NILE FEVER." National data indicate that about 23% of the human West Nile virus infections result in fever rather than meningoencephalitis. Assuming Missouri has the same number of WNV infections in 2003 as in 2002 (i.e., 169), then statistically, 38.87 (0.23 X 169) of these infections would be classified as WN fever and will represent a new reporting burden.

PRIVATE ENTITY COST TO REPORT WNV FEVER CASES = **\$112.82**. The private entity cost is calculated using the following: (a) 75% of the reports received by DHSS come from private sources, (b) It takes about 12 minutes to report each case or 0.2 hourly salary of a Community Health Nurse II with a salary of \$36,960/year (\$17.50 hour), (c) Postage of \$0.37 to mail each report (this overstates the expense since many will be sent electronically). The private entity cost is:

(1) No. Cases Per Year	(2) 0.2 X Hourly Rate-\$	(3) Salary Expense-\$ (1 X 2)	(4) Postage Rate	(5) Postage Total-\$ (1 X 4)	(6) Total (3 + 5)	(7) 0.75(Total) 0.75(6)
38.87	3.50	136.05	0.37	14.38	150.43	\$112.82

4. ADDITION OF "COCCIDIOIDOMYCOSIS." This disease is endemic in the southwestern U.S. and is on CDC's list of nationally notifiable diseases. Since only an occasional imported case might occur in Missouri, the private costs associated with reporting this disease are negligible.

5. ADDITION OF "ANIMAL (MAMMAL) BITE WOUND, HUMAN." Data gathered using the Sentinel Active Surveillance System (SASS) from 1995 through 2000 indicate that an average (mean) of 1,959 animal bites are reported to local public health agencies across Missouri each year. SASS was replaced with the High Alert Surveillance System following the events of September 11, 2001 and animal bites are not reported under the latter system. "Animal bite wound" is not a laboratory-diagnosed condition and the assumption is again made (as with the smallpox vaccination analysis noted above) that a greater than normal proportion of reports would come from private sources than from public sources, i.e., public sources – 15%, private sources 85%.

PRIVATE ENTITY COST TO REPORT ANIMAL BITE CASES = \$6,444.13 The private entity cost is calculated using the following: (a) 85% of the reports received by DHSS and/or local public health agencies come from private sources, (b) It takes about 12 minutes to report each case or 0.2 hourly salary of a Community Health Nurse II with a salary of \$36,960/year (\$17.50 hour), (c) Postage of \$0.37 to mail each report (this overstates the expense since many will be sent electronically). The private entity cost is:

(1) No. Cases Per Year	(2) 0.2 X Hourly Rate-\$	(3) Salary Expense-\$ (1 X 2)	(4) Postage Rate	(5) Postage Total-\$ (1 X 4)	(6) Total (3 + 5)	(7) 0.85(Total) 0.85(6)
1,959	3.50	6,856.50	0.37	724.83	7,581.33	\$6,444.13

6. ADDITION OF "STREPTOCOCCUS PNEUMONIAE, INVASIVE IN CHILDREN LESS THAN 5 YEARS." This disease was recently added to CDC's list of nationally notifiable diseases. Only one to two cases per year occur in Missouri, so additional private reporting costs are negligible.

7. ADDITION OF "ESCHERICHIA COLI, SHIGA TOXIN POSITIVE, SEROGROUP NON-O157:H7." Based on information from CDC and existing Missouri data, it is estimated that an average of 104 cases of this condition occur annually in Missouri.

PRIVATE ENTITY COST TO REPORT E.COLI NON-O157:H7 CASES = \$301.86. The private entity cost is calculated using the following: (a) 75% of the reports received by DHSS come from private sources, (b) It takes about 12 minutes to report each case or 0.2 hourly salary of a Community Health Nurse II with a salary of \$36,960/year (\$17.50 hour), (c) Postage of \$0.37 to mail each report (this overstates the expense since many will be sent electronically). The private entity cost is:

(1) No. Cases Per Year	(2) 0.2 X Hourly Rate-\$	(3) Salary Expense-\$ (1 X 2)	(4) Postage Rate	(5) Postage Total-\$ (1 X 4)	(6) Total (3 + 5)	(7) 0.75(Total) 0.75(6)
104	3.50	364	0.37	38.48	402.48	\$301.86

8. CORRECTION OF MISPRINT REGARDING HIV VIRAL LOAD MEASUREMENT. No additional private reporting costs.

9. UPDATE OF DEPARTMENT OF HEALTH AND SENIOR SERVICES' NAME. No additional private reporting costs.

10. TOTAL PRIVATE COSTS: $\$624.35 + \$112.82 + \$6,444.13 + \$301.86 = \underline{\$7,483.16}$ annually

IV. ASSUMPTIONS

- A. Missouri will implement Phase II of the Centers for Disease Control and Preventions smallpox inoculation plan, which will result in inoculation of 200,000 Missourians.
- B. Generally, about 25% of the communicable disease reports received by the Department of Health and Senior Services (DHSS) come from public sources such as the State Public Health Laboratory, public hospital laboratories, county/district health agencies, and public schools. The remaining 75% of the communicable disease reports come from private sources such as hospitals, hospital laboratories, private laboratories, private providers, and private schools.
- C. The incidence of West Nile virus cases in Missouri in 2003 will be similar to the number during 2002.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 20—Method of Sale for Products**

ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 413.065, RSMo Supp. 2002, the director amends a rule as follows:

2 CSR 90-20.040 *NIST Handbook 130*, "Uniform Regulation for the Method of Sale of Commodities" is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1564). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection**

ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 414.142, RSMo 2000, the director amends a rule as follows:

2 CSR 90-30.040 Quality Standards for Motor Fuels is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1565). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 150—State Board of Registration for the Healing Arts

Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.625, RSMo Supp. 2001, the board adopts a rule as follows:

4 CSR 150-3.210 Advisory Commission for Physical Therapists is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1565-1567). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 345.030, RSMo 2000 and 345.080, RSMo Supp. 2001, the board adopts a rule as follows:

4 CSR 150-4.220 Advisory Commission for Speech-Language Pathologists and Audiologists is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1568-1569). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the Healing
Arts**

Chapter 6—Registration of Athletic Trainers

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 334.625, RSMo Supp. 2001, the board adopts a rule as follows:

**4 CSR 150-6.080 Missouri Athletic Trainer Advisory Committee
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1570–1571). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the Healing
Arts**

Chapter 7—Licensing of Physician Assistants

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.749, RSMo Supp. 2001, the board adopts a rule as follows:

**4 CSR 150-7.320 Advisory Commission for Physician Assistants is
adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1572–1573). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the Healing
Arts**

Chapter 8—Licensing of Clinical Perfusionists

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 324.177, RSMo Supp. 2001, the board adopts a rule as follows:

**4 CSR 150-8.150 Advisory Commission for Clinical Perfusionists
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1574–1575). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 267—Office of Tattooing, Body Piercing and
Branding**

Chapter 1—General Organization and Procedures

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-1.010 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1652–1653). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The office received one (1) comment.

COMMENT: The comment opposed the definition of body piercing stating that a piercing is a piercing, be it in the ear or elsewhere. The comment pointed out that there are four (4) different general piercings for the ear (ear lobe, general cartilage piercings, industrial piercings and traagus) all of which require professional equipment and techniques. Simple mall and beauty salon employees lack the training and hygienic requirements to perform even the most basic ear lobe piercing, the piercing pistol cannot be sterilized when there is blood involved. Concerns were raised with the release form being truthfully completed by the patrons, which places future patrons at grave health risks of contracting an incurable disease. Piercing pistols should be outlawed and no person should be allowed to pierce with an instrument that cannot be autoclaved sterilized. Piercings done in these malls and beauty shops are beyond the scope and capability of such operators to conform to the same standards as tattoo and piercing studios. The definition of “ear” is very broad and should read “other than the ear-lobe” for non-medical purposes. Although ear studs are forced through the cartilage of the ear, it breaks the cartilage, whereas a proper single use piercing needle cuts and removed the cartilage cleanly.

RESPONSE: Pursuant to Missouri law, Chapter 324.520, “body piercing” is defined as “the perforation of the human tissue other than the ear for nonmedical purpose”. Therefore, this office can not narrow the definition of body piercing in these rules and regulations to specifically mention “other than the ear lobe” as suggested by the commentor, nor does the office have the authority to outlaw piercing pistols. Establishment and practitioners located in malls and beauty shops will be required to obtain a license if they are tattooing, piercing (other than the ear) and branding.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 267—Office of Tattooing, Body Piercing and
Branding**

Chapter 1—General Organization and Procedures

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-1.020 Name and Address Changes is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1653-1656). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 267—Office of Tattooing, Body Piercing and
Branding
Chapter 1—General Organization and Procedures
ORDER OF RULEMAKING**

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-1.030 Tattoo, Body Piercing, and Branding
Establishment—Change of Name, Ownership or Location
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1657-1659). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 267—Office of Tattooing, Body Piercing and
Branding
Chapter 2—Licensing Requirements
ORDER OF RULEMAKING**

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-2.010 Licenses **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1660-1663). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 267—Office of Tattooing, Body Piercing and
Branding
Chapter 2—Licensing Requirements
ORDER OF RULEMAKING**

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-2.020 Fees **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1664). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 267—Office of Tattooing, Body Piercing and
Branding
Chapter 2—Licensing Requirements
ORDER OF RULEMAKING**

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-2.030 License Renewal **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1664-1667). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 267—Office of Tattooing, Body Piercing and
Branding
Chapter 3—Establishments
ORDER OF RULEMAKING**

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-3.010 Tattoo, Body Piercing and Branding
Establishments **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1668-1669). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 267—Office of Tattooing, Body Piercing and
Branding
Chapter 4—Temporary Establishments
ORDER OF RULEMAKING**

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-4.010 Temporary Establishment License is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1670-1672). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 267—Office of Tattooing, Body Piercing and
Branding**

Chapter 5—Standards of Practice

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-5.010 Standards of Practice is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1673-1675). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: Piercing pistols should be outlawed and no person should be allowed to pierce with an instrument that cannot be autoclaved sterilized. Piercings done in these malls and beauty shops are beyond the scope and capability of such operators to conform to the same standards as tattoo and piercing studios.

RESPONSE: The office does not have the authority to outlaw piercing pistols.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 267—Office of Tattooing, Body Piercing and
Branding**

Chapter 5—Standards of Practice

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-5.020 Patrons is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1676-1677). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 267—Office of Tattooing, Body Piercing and
Branding**

Chapter 5—Standards of Practice

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-5.030 Cleaning and Sterilization is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1678-1680). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The comment stated that the rules and regulations did not require spore testing, which he believed was very important to insure that the autoclave works properly. The commentor suggested monthly spore testing.

RESPONSE: 4 CSR 267-5.030(2)(C) requires autoclaves to be spore-tested weekly. This requirement mirrors the guidelines from the Center for Disease Control. The office will be directing individuals to the Center for Disease Control for information regarding Universal Precautions.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 267—Office of Tattooing, Body Piercing and
Branding**

Chapter 5—Standards of Practice

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-5.040 Preparation and Care of Site is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1681-1682). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 6—Complaints and Investigations

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

4 CSR 267-6.010 Enforcement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1683–1684). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 6—Complaints and Investigations

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

**4 CSR 267-6.020 Public Complaint Handling and Disposition is
adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1685–1686). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 6—Complaints and Investigations

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration, Office of Tattooing, Body Piercing and Branding under section 324.522, RSMo Supp. 2001, the office adopts a rule as follows:

**4 CSR 267-6.030 Initiation of Disciplinary Proceedings is
adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1687–1688). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule

becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under section 208.201, RSMo 2000, the director adopts a rule as follows:

13 CSR 70-20.320 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 15, 2002 (27 MoReg 1320–1323). A change has been made in the text of the proposed rule, and it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services received one (1) written comment on this proposed rule, as well as one (1) verbal comment during the September 9, 2002 meeting of the Medicaid Pharmacy Advisory Group.

COMMENT: One (1) written comment was received requesting that the proposed rule be modified to reflect the limited tax liability of mail-order pharmacies, as they are unable to receive a higher Medicaid pharmacy dispensing fee due to their non-provider status. Specifically, the comment requested that the rule reiterate language contained in SB 1248, Section 338.520, that the tax rate shall not exceed one-tenth of one percent (1/10 of 1%) per annum for a licensed pharmacy when eighty percent (80%) or more of the pharmacy's gross retail prescription receipts are attributable to prescription drugs that are delivered to the patient via common carrier, by mail, or a courier service.

RESPONSE AND EXPLANATION OF CHANGE: Although the state agency concurs that the rule should reflect the limited tax liability for mail-order pharmacies, it is not deemed appropriate to reiterate the exact language contained in the legislation. Rather, the rule has been changed to reference the tax liability amount for mail order pharmacies stated in state law.

COMMENT: A comment was received at the September 9, 2002 meeting of the Medicaid Pharmacy Advisory Group. Per their discussion of the proposed rule, the members recommended that a Mail Order Pharmacy be defined as one not open to the public and having no Medicaid provider number.

RESPONSE AND EXPLANATION OF CHANGE: The state agency concurs and has added a definition to the rule for Mail Order Pharmacy.

13 CSR 70-20.320 Pharmacy Reimbursement Allowance

(1) Pharmacy Reimbursement Allowance (PRA). PRA shall be assessed as described in this section.

(A) Definitions.

1. Department—Department of Social Services.
2. Director—Director of Department of Social Services.
3. Division—Division of Medical Services.

4. Monthly gross retail prescription receipts—For ease of administration for the department as well as the industry, this shall be an annual amount. The basis of tax for fiscal year 2003 will be the prescription sales for calendar year 2001.

5. Mail Order Pharmacy—A licensed pharmacy of which eighty percent (80%) or more of the gross receipts are attributable to prescription drugs that are delivered directly to the patient via common carrier, by mail, or a courier service, and which is not open to the public and has no Medicaid provider number.

(B) Each pharmacy engaging in the business of providing outpatient prescription drugs in Missouri to the general public shall pay a PRA.

1. The PRA owed for existing pharmacies shall be calculated by multiplying the pharmacy's total gross retail prescription receipts by the tax rate determined by the department. The PRA owed for mail order pharmacies shall be calculated according to the tax rate established in the state law.

2. The PRA shall be divided by and collected over the number of months for which the PRA is effective.

3. The initial PRA owed by a newly licensed pharmacy shall be calculated by estimating the total prescription sales and multiplying the estimate by the rate determined by the department.

4. If a pharmacy ceases to provide outpatient prescription drugs to the general public, the pharmacy is not required to pay the PRA during the time it did not provide outpatient prescription drugs.

5. If the pharmacy reopens, it shall resume paying the PRA. It shall owe the same PRA as it did prior to closing, if the PRA has not changed per paragraph (1)(B)1.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 5—Retirement, Options and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board of trustees hereby adopts a rule as follows:

16 CSR 10-5.080 Recognition of Credit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2002 (27 MoReg 1280–1281). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 6—The Non-Teacher School Employee
Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 2000, the board of trustees hereby adopts a rule as follows:

16 CSR 10-6.065 Recognition of Credit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2002 (27 MoReg 1281–1282). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Season, Methods, Limits**

IN ADDITION

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits

As a matter of public information, the following dates and bag limits shall apply on turkey hunting seasons for 2003. These are based on the formula for season dates set out in subsections (1)(A), (1)(B) and (1)(D) of this rule in the *Code of State Regulations*, and action of the Conservation Commission on November 21, 2002, to annually establish the season length and bag limit of the spring and fall turkey hunting season.

Spring Season: The 2003 spring turkey hunting season will be twenty-one (21) days in length (from April 21 through May 11, 2003). A person possessing the prescribed turkey hunting permit may take two (2) male turkeys or turkeys with visible beard during the season; provided, only one (1) turkey may be taken during the first seven (7) days of the season and only one (1) turkey may be taken per day.

Fall Firearms Season: The 2003 fall firearms turkey hunting season will be fourteen (14) days in length (from October 13 through October 26, 2003). A person possessing the prescribed fall firearms turkey hunting permit may take two (2) turkeys of either sex during the season; provided only one (1) turkey may be taken per day.

Youth Spring Season: April 12–13, 2003.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
United Community Credit Union 1001 Vermont Street Quincy, IL 62301	Persons living (residing) or working in the counties of Lewis, Marion and Ralls; an underserved and low-income area.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written*

comments must be submitted no later than ten (10) business days after publication of this notice in the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities
Review Committee
Chapter 50—Certificate of Need Program**

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for January 23, 2003. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

12/10/02

#3363 NS: Clayton Road Assisted Living
St. Louis (St. Louis County)
\$15,649,000 Replace 90-bed intermediate
care facility

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by January 10, 2003. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

Construction Transient

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A & J CONSTRUCTION CO	RT 1 BOX 45	FLORIS	IA	52560
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADUDELLE ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED ELECTRICAL SYSTEMS INC	33867 W 287TH ST	PAOLA	KS	66071
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AGRA FOUNDATIONS INC	10108 32ND AVE W C-3 #A2	EVERETT	WA	98204
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
AKI CONTROL SYSTEMS INC	P O BOX 444	WALLER	TX	77484
ALL IOWA CONTRACTING CO	5613 MCKEVETTE RD	WATERLOO	IA	50701
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
AMERICAN IRONWORKS INC	100 S MAIN	CUTLER	IL	62238
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANGELO IAFRATE CONSTRUCTION COMPANY	26400 SHERWOOD	WARREN	MI	48091
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
API INC	2366 ROSE PL	ST PAUL	MN	55113
APPLICATION CONTRACTORS SERVICES IN	14409 W EDISON DR #13A	NEW LENOX	IL	60451
APPLIKON INC	1165 CHESS DR STE G	FOSTER CITY	CA	94404
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLAS INDUSTRIAL HOLDINGS LLC	5275 SINCLAIR RD	COLUMBUS	OH	43229

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
AUGERS UNLIMITED INC	14910 METROPOLITAN AVE	BONNER SPRNGS	KS	66012
AUTOMATIC FIRE SPRINKLER LLC	3315 N 124TH ST STE B	BROOKFIELD	WI	53005
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B DRYWALL CO INC	10567 WIDMER	LENEXA	KS	66215
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D SERVICES	4018 NEW YORK RD	NASHVILLE	IL	62262
B C U ELECTRIC INC	1019 US 250 N	ASHLAND	OH	44805
BADGER INDUSTRIAL CONTRACTORS INC	158 UNDERWOOD RD	FLETCHER	NC	28732
BAKER CONCRETE CONSTRUCTION INC	900 N GARVER RD	MONROE	OH	45050
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BANKERS EDGE	1288 VALLEY FORGE STE 50	VALLEY FORGE	PA	19482
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH	MA	02360
BARTLOW BROTHERS INC	S LIBERTY STREET RD	RUSHVILLE	IL	62681
BAZIN EXCAVATING INC	15233 BROADMOOR	OVERLAND PARK	KS	66283
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BERNIE JANNING TERRAZZO & TILE INC	17509 HWY 71	CARROLL	IA	51401
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON	KS	66773
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLACKSHIRE CONSTRUCTION INC	ROUTE 14 BOX 942	ELIZABETH	WV	26143
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BOH BROS CONSTRUCTION CO LLC	730 S TONTI ST	NEW ORLEANS	LA	70119
BONNEVILLE CONSTRUCTION CO INC	5005 E CAREY AVE	LAS VEGAS	NV	89115
BOYD ELECTRIC INC	3315 N 70TH ST	KANSAS CITY	KS	66109
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY	SD	57702
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BUCKLEY ROOFING CO INC	3601 N HYDRAULIC	WICHITA	KS	67219
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE	AR	72739
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
C IBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CABLE CONSTRUCTORS INC	105 KENT ST	IRON MOUNTAIN	MI	49801
CALLS METAL BLDG ERECTORS INC	8128 12TH ST	SOMERS	WI	53171
CAPE ENVIRONMENTAL MANAGEMENT INC	2302 PARKLAKE DR STE 200	ATLANTA	GA	30345

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661
CAROLLO ENGINEERS A PROFESSIONAL CORPORATION	3877 N SEVENTH ST #400	PHOENIX	AZ	85014
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CDK CONTRACTING COMPANY	800 S HUTTON RD	FARMINGTON	NM	87401
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CENTRAL CEILING SYSTEMS INC	105 INDUSTRIAL PARK	DEERFIELD	WI	53531
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL STATES CONTRACTING INC	1007 COURT	CLAY CENTER	KS	67432
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA	IL	62801
CENTURY MECHANICAL CONTRACTORS INC	15480 S 169 HWY	OLATHE	KS	66051
CHALLENGE CONSTRUCTION	PO BOX 1509	MANVEL	TX	77578
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHANCELLOR & SON INC	7474 RALEIGH LAGRANGE RD	CORDOVA	TN	38018
CLARK CORPORATION THE	141 CATHERINE ST	EAST PEORIA	IL	61611
CLEVENGER CONTRACTORS INC	NAPLES LANE RR1 PO BOX 19	BLUFFS	IL	62621
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLLECTOR WELLS INTERNATIONAL INC	6360 HUNTLEY RD	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMERCIAL CONTRACTORS INC	729 LINCOLN AVE	HOLLAND	MI	49423
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTION MARKET DATA GROUP INC	275 WASHINGTON ST	NEWTON	MA	02458
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
CONTRACTOR SERVICES INC	122 EAST 17TH ST	DAVENPORT	IA	52808
COOPERS STEEL FABRICATORS	503 N HILLCREST DR	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	1835 WALL ST	SALINA	KS	67401

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
COST OF WISCONSIN INC	W172N13050 DIVISION RD	ROCKFIELD	WI	53077
COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619
CROSSLAND HEAVY CONTRACTORS INC	S HWY 69	COLUMBUS	KS	66275
CROWN COMMERCIAL BUILDERS INC	107-109 W LEWIS	WICHITA	KS	67201
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUST O FAB TANK SERVICES LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
CUTCO INC	RR 1 BOX 121	WYOMING	IL	61491
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S NOLAND RD STE 102	INDEPENDENCE	MO	64055
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVCO CORPORATION OF TENNESSEE	5384 POPLAR AVE STE 501	MEMPHIS	TN	38119
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DAVIS ELECTRICAL CONSTRUCTORS INC	429 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DELCO ELECTRIC INC	7615 N CLASSEN BLVD	OKLAHOMA CITY	OK	73116
DELPHI AUTOMOTIVE SYSTEMS HUMAN RESOURCES LLC	P O BOX 62410	PHOENIX	AZ	85082
DEMCO INC	238 LEIN RD	BUFFALO	NY	14224
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND ELECTRIC SERVICE INC	21325 W 105TH ST	OLATHE	KS	66061
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOVE CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DONALD E MCNABB COMPANY INC	31250 S MILFORD RD	MILFORD	MI	48381
DOSTER CONSTRUCTION CO INC	2619 COMMERCE BLVD	BHAM	AL	35210
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DRAINAGE & GROUND IMPROVEMENT INC	275 MILLERS RUN RD	BRIDGEVILLE	PA	15017
DUAL TEMP ILLINOIS INC	3801 S SANGAMON ST	CHICAGO	IL	60609
DUCOING ENTERPRISES INC	1910 ESTELLE LANE	PLACENTIA	CA	92870
DUSTROL INC	GEN DEL	EL DORADO	KS	67042

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
EASYBAR BEVERAGE CONTROLS	19799 SW 95TH PLACE STE A	TUALATIN	OR	97062
EATHERLY CONSTRUCTORS INC	2204 W MARY ST	GARDEN CITY	KS	67846
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELCON CONSTRUCTION LLC	12221 DIXIE	REDFORD	MI	48239
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	101 PLAZA E BLVD 320	EVANSVILLE	IN	47715
ENTERPRISE STAFF SOLUTIONS INC	2926 RIDGEWAY RD	MEMPHIS	TN	38115
ENTRUP DRYWALL & PAINTING INC	1222 1/2 VERMONT	QUINCY	IL	62305
ENVIRONMENTAL SYSTEMS DESIGN INC	175 W JACKSON BLVD 1400	CHICAGO	IL	60604
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ER HOKE CONSTRUCTION CO INC	5 MILES W RTE 36	TUSCOLA	IL	61953
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
ESCO ELECTRICAL SERVICES INC	520 E MAIN	EL DORADO	AR	71730
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MIN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FIBREBOND RESOURCES INC	1300 DAVENPORT DR	MINDEN	LA	71055
FISHEL COMPANY THE	1810 ARLINGATE LN	COLUMBUS	OH	43228
FJW GROUP INC	905 W MITCHELL	ARLINGTON	TX	76013
FLOOR CRETE ENTERPRISES INC	6223 GESSNER DR	HOUSTON	TX	77041
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
FREESSEN INC	316 S PEARL	BLUFFS	IL	62621
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENE FRITZEL CONSTRUCTION COMPANY I	643 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GFS LIFESAFETY CORP	LCR 740A RT 3 BOX 62B	THORNTON	TX	76687
GFV CONSTRUCTION CO	733 CARPENTERS WAY #32	LAKELAND	FL	33809
GIBRALTAR CONSTRUCTION CO INC	42 HUDSON ST STE A207	ANNAPOLIS	MD	21401
GINGHER PROCESS PIPING INC	3011 N MAIN ST	EAST PEORIA	IL	61611

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GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GLOBAL COMPUTER ASSOCIATES INC	3 GARRET MOUNTAIN PLAZA	WEST PATERSON	NJ	07424
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GOLEY INC	P O BOX 309	DUPO	IL	62239
GORDONS ENHANCED TECHNOLOGY MARKETING INC	4500 RATLIFF LN #108	ADDISON	TX	75001
GRAYLING INCORPORATED	10258 SANTA FE DR	OVERLAND PARK	KS	66212
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124
GREAT SOUTHWESTERN CONSTRUCTION INC	6880 SO I 25	CASTLE ROCK	CO	80104
GULF SOUTH CONSTRUCTION INC	1101 MACY DR	ROSWELL	GA	30076
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
H & L ELECTRIC INC	8651 E HIGHWAY 24	MANHATTAN	KS	66502
H & M CONSTRUCTION CO INC	431 LIBERTY ST	MILAN	TN	38358
H&H DRYWALL SPECIALTIES INC	5200 S YALE STE 610	TULSA	OK	74135
HARBERT YEARGIN INC	105 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARNES ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOKE ELECTRICAL	P O BOX 170	TUSCOLA	IL	61953
HOLIAN ASBSTS RMVL & ENCPSTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	PO BOX 1566	ABERDEEN	SD	57402
HUEGERICH CONSTRUCTION INC	512 N COURT	CARROLL	IA	51401
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HUXTABLE KC SERVICE INC	16210 W 108TH	LENEXA	KS	66219
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
HYMAN PLUMBING COMPANY	9880 LOST LANE	CHAPPELL HILL	TX	77426
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110

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INNOVATIVE SYSTEMS OF KANSAS INC	2915 STRONG AVE	KANSAS CITY	KS	66106
INSTALLED PRODUCTS USA LLC	207 KELSEY LANE SUITE G	TAMPA	FL	33619
INSTITUTE OF NUCLEAR POWER OPERATIONS	700 GALLERIA PKWY	ATLANTA	GA	30339
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERSTATES ELEC & ENGINEERING	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRONDALE INDUSTRIAL CONTRACTORS	BOX 100099	BIRMINGHAM	AL	35210
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
J W BUCK CONSTRUCTION CO INC	4103 FRANDFORD AVE	LUBBOCK	TX	79407
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JANSSEN GLASS & MIRROR INC	5002 HADLEY	OVERLAND PARK	KS	66202
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JE CAMPBELL INC	HWY 45E SOUTH	SOUTH FULTON	TN	38257
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JMC CONSTRUCTION INC	9893 UNIVERSITY DR STE 119	MCKINNEY	TX	75070
JOEL FRITZEL BUILDERS INC	3320 CLINTON PARKWAY CT	LAWRENCE	KS	66047
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JONESBORO EQUIPMENT & SERVICE CO	3441 KNIGHT ARNOLD	MEMPHIS	TN	38118
JR STELZER CO	5850 RUSSELL DR	LINCOLN	NE	68507
JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
JULIUS KAAZ CONSTRUCTION COMPANY IN	716 CHEROKEE	LEAVENWORTH	KS	66048
K & M ELECTRICAL CONTRACTORS INC	940 COMMERCIAL SUITE B	ATCHISON	KS	66002
KAJIMA ASSOCIATES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	07632
KAJIMA CONSTRUCTION SERVICES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	07632
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KAYTON ELECTRIC INC	PO BOX 27	HOLDREGE	NE	68949
KDS CONSTRUCTION	9318 GULFSTREAM RD UNIT C	FRANKFORT	IL	60423
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KEITH AUSTIN	3001 WEDINGTON DR #106	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KELLY CONSTRUCTION INC	P O BOX 32152	OKLAHOMA CITY	OK	73123

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KENJURA TILE INC	BOX 158	BRENHAM	TX	77834
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KING LAR COMPANY	2020 E OLIVE STREET	DECATUR	IL	62525
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
L E BELL CONSTRUCTION COMPANY INC	1226 COUNTY ROAD 11	HEFLIN	AL	36264
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LESSARD NYREN UTILITIES INC	17385 FOREST BLVD N	HUGO	MN	55038
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LICAUSI CONSTRUCTION COMPANY	8301 W 125TH ST	OVERLAND PARK	KS	66213
LIFE SAFETY INC	12428 VETERANS MEM PKWY	LAFAYETTE	AL	36862
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2050 MARCONI DR STE 200	ALPHARETTA	GA	30005
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LONG CONSTRUCTION INC	1600 E SUNVALE DR	OLATHE	KS	66062
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
LVI ENVIRONMENTAL SERVICES	225 FENCL LANE	HILLSIDE	IL	60162
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MARATHON BUILDERS INC	4144 N CENTRAL #660	DALLAS	TX	75204
MARICK INC	1710 2ND AVE	DES MOINES	IA	50314
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MARSHALL CONSTRUCTION INC	17739 CARTWRIGHT MTN RD	MOUNTAINBURG	AR	72946
MASCO CONTRACTOR SERVICE CENTRAL INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
MASTER ELECTRIC INC	3225 AIRBASE RD	MOUNTAIN HOME	ID	83647
MBK CONSTRUCTION LTD	175 TECHNOLOGY	IRVINE	CA	92718
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086

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MERIVIC INC	1050 A W JEFFERSON	MORTON	IL	61550
MERRELL BROS INC	8811 W 500 N	KOKOMO	IN	46901
METAL ROOFING SPECIALISTS INC	933 FILLMORE	FREDONIA	KS	66736
METRIC VISION	8500 CINDER BED RD STE 150	NEWINGTON	VA	22122
MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID AMERICA SERVICES INC	3981 STATE RT 3 NORTH	CHESTER	IL	62233
MID CO CONTRACTORS INC	P O BOX 391	FORT SCOTT	KS	66701
MID CONTINENTAL RESTORATION CO INC	PO BOX 429	FORT SCOTT	KS	66701
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDLAND WRECKING INC	15 HENNING	LENEXA	KS	66215
MIDWEST CONSTRUCTION SYSTEMS INC	100 MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MIDWESTERN SERVICES INC	1913 7TH ST	SNYDER	TX	79549
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLGARD CORPORATION THE	12822 STARK RD	LIVONIA	MI	48150
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MISSOURI VALLEY INC	4614 MCCARTY BLVD	AMARILLO	TX	79110
MJM SERVICES INC	207 N 48TH ST	BELLEVILLE	IL	62223
MORNINGSTAR CONSTRUCTION CO	8751 GODDARD	OVERLAND PARK	KS	66214
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOSLEY ELECTRIC INC	POST OFFICE BOX 789	QUINCY	IL	62301
MOUNTAIN MECHANICAL CONTRACTORS INC	903 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIMAX INC	1441 MCCORMICK DR	LARGO	MD	20774
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MUNICIPAL PIPE TOOL COMPANY INC	515 5TH ST	HUDSON	IA	50643
MUNIE COMPANY	1000 MILBOURN SCHOOL ROAD	CASEYVILLE	IL	62232
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MUSTANG LINE CONTRACTORS INC	9105 N DIVISION ST STE A	SPOKANE	WA	99218
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	01880
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48519
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NATIONAL INDUSTRIAL MAINTENANCE SER	121 EDWARDS DR	JACKSON	TN	38302
NATIONAL STEEL ERECTORS	PO BOX 709	MUSKOGEE	OK	74402
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127

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NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	11325 PENNYWOOD AVE	BATON ROUGE	LA	70809
NORMENT SECURITY GROUP INC	3224 MOBILE HWY	MONTGOMERY	AL	36108
NORTH CENTRAL BUILDERS INC	321 N BROADWAY	HARTINGTON	NE	68739
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
O & M SERVICES INC	207 E MAIN ST	FAIRFIELD	IL	62837
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
ONEAL ELECTRIC SERVICE INC	3073 MERRIAM LN	KANSAS CITY	KS	66106
OSTROM PAINTING & SANDBLASTING INC	1110-8TH AVE	ROCK ISLAND	IL	61201
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PARADISE FIBERGLASS POOLS INC	3115 N ILL AVE	SWANSEA	IL	62226
PBM CONCRETE INC	311 LOWELL AVE	ELK RIVER	MN	55330
PERMANENT PAVING INC	8900 INDIAN CREEK PKWY	OVERLAND PARK	KS	66210
PETERSON CONSTRUCTION	1929 W 2ND ST	WEBSTER CITY	IA	50595
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PITTSBURG TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
PIZZAGALLI CONSTRUCTION COMPANY	50 JOY DR	S BURLINGTON	VT	05407
PLASTOCOR INC	25 INDUSTRIAL PARK RD	HINGHAM	MA	02043
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
PNEUMATIC SYSTEMS INSTALLATION INC	10012 DARNELL	LENEXA	KS	66215
PRECAST ERECTORS INC	13400 TRINITY BLVD	EULESS	TX	76040
PRECISION CASEWORK & TRIM INC	816 SE 83RD ST	OKLAHOMA CITY	OK	73149
PRECISION ELECTRICAL CONTRACTORS INC	1977 LINCOLN WAY	WHITE OAK	PA	15131
PRO QUIP CORPORATION	8522 E 61ST ST	TULSA	OK	74133
PROFORMANCE ELECTRIC INC	11201 W 59TH TER	SHAWNEE	KS	66203
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PSF MECHANICAL INC	9322 14TH AVE SOUTH	SEATTLE	WA	98108
PULTE HOMES OF GREATER KANSAS CITY	8700 STATE LINE RD #309	LEAWOOD	KS	66206
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520

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R IZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
R N HARRIS CONSTRUCTION CO	3200 HASKELL AVE STE 140	LAWRENCE	KS	66046
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E US HIGHWAY 80	ABILENE	TX	79601
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
RECLAMATION ASSOCIATES INC	105 S MAIN	WALNUT	KS	66780
RECOR SERVICES INC	4122 NE 185TH AVE	PORTLAND	OR	97230
REDDINGER CONSTRUCTORS INC	6301 OLD BOONVILLE HWY	EVANSVILLE	IN	47715
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
REVENUE SOLUTIONS INC	752 WASHINGTON ST	PEMBROKE	MA	02359
RFB CONSTRUCTION CO INC	3222 NW 160 HWY	CHEROKEE	KS	66724
RICHARD GOETTLE INC	12071 HAMILTON AVE	CINCINNATI	OH	45231
RICHARDSON CORPORATION	WATER PLANT RD	OWINGSVILLE	KY	40360
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	PO BOX 16141	SHAWNEE	KS	66203
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROBERTSON PAINTING INC	3116 S ARROWHEAD CT	INDEPENDENCE	MO	64057
ROD BUSTERS INC	624 S MISSOURI ST STE 100	INDIANAPOLIS	IN	46225
ROLLING PLAINS CONSTRUCTION INC	12153 MOLINE STR	HENDERSON	CO	80640
ROMAN MOSAIC & TILE CO	1105 SAUNDERS CR	WEST CHESTER	PA	19380
ROOF MAINTENANCE SERVICES INC	#8 COMMODORE DRIVE	BELLEVILLE	IL	62223
ROSE LAN CONTRACTORS INC	952 OSAGE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RP INDUSTRIES INC	105 REYNOLDS DR	FRANKLIN	TN	37064
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66762
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SARGENT ELECTRIC CO	28TH ST & LIBERTY AVE	PITTSBURGH	PA	15222
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SEAWARD CONSTRUCTION COMPANY INC	RT 236	KITTERY	ME	03904
SELECTEK INC	1000 MANSELL EXCHANGE W	ALPHARETTA	GA	30022
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
SEVERN COMPANIES INC OF MARYLAND	6201 CHEVY CHASE DR	LAUREL	MD	20707
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAW CONTRACT FLOORING SERVICES INC	616 E WALNUT AVE	DALTON	GA	30722
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHAY ROOFING INC	1999 S 59TH ST	BELLEVILLE	IL	62223
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SIERRA BRAVO INC	7038 STATE HWY 154	SESSER	IL	62884
SIMBECK & ASSOCIATES INC	38256 HWY 160	MANCOS	CO	81328
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL RD	HOUSTON	TX	77039
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SOPTIC PANNELL CONSTRUCTION CO INC	2038 S 49TH ST	KANSAS CITY	KS	66106
SOUTHERN ELECTRICAL SERVICES INC	445 METROPLEX DR	NASHVILLE	TN	37211
SPARKS & WIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPECIALTY CONSTRUCTORS INC	2445 ALAMO STREET SE	ALBUQUERQUE	NM	87106
SPINIELLO COMPANIES	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPORTS METALS INC	P O BOX 1338	PHENIX CITY	AL	36868
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STORY CONSTRUCTION CO	300 S BELL AVE	AMES	IA	50010
STRATEGIC INFORMATION SOLUTIONS	20 N CLARK ST STE 1650	CHICAGO	IL	60602
STRAUB CONSTRUCTION CO INC	10575 WIDMER	LENEXA	KS	66215
STRUKELE ELECTRIC INC	1375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR CONCRETE PRODUCTS	P O BOX 201625	ARLINGTON	TX	76006
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SURVCON LAND SURVEYING AND CONSTRUCTION STAKING	3224 HWY 392 W	HARRISON	AR	72601
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SYRSTONE INC	201 S MAIN ST	NORTH SYRACUSE	NY	13212
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2683 LOMBARDY LN	DALLAS	TX	75220
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TIDY BUILDING SERVICE OF MIDWEST	13818 PEMBROKE	LEAWOOD	KS	66224
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TMS DESIGN SERVICES INC	7905 L STREET STE 110	OMAHA	NE	68127
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TOAN INC	5320 SPEAKER ROAD	KANSAS CITY	KS	66106
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAYLOR BROS INC	835 N CONGRESS AVE	EVANSVILLE	IN	47715
TRI STATE BUILDING SUPPLY CO INC	N HWY 69	PITTSBURG	KS	66762
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIGON ENGINEERING INC	475 17TH ST STE 300	DENVER	CO	80202
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA DYNASpan INC	1601 E HOUSTON ST	BROKEN ARROW	OK	74012
TWEEDY CONTRACTORS INC	CORNER OF PYBURN & HOELSC	POCAHONTAS	AR	72455
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66105
U NEEK EXPO	7045 TROY HILL DR #300	ELDRIDGE	MD	21075
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL LIMITED INC	932 ALTON PARKWAY	BIRMINGHAM	AL	35210
VAUGHN ELECTRIC CO INC	313 E FLORIDA AVE	UNION CITY	TN	38261
VFP FIRE SYSTEMS INC	825 CORPORATE WOODS PKWY	VERNON HILLS	IL	60061
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VOLTEK INC	8807 W 89TH ST	OVERLAND PARK	KS	66212
VON ALST INC	2416 SMELTING WORKS RD	BELLEVILLE	IL	62226
VON ROLL INC	3080 NORTHWOODS CIR STE 2	NORCROSS	GA	30071
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WADE & ASSOCIATES INC	2500 W 6TH ST STE E	LAWRENCE	KS	66049
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTER CONSTRUCTION USA INC	441 SW 41ST ST	RENTON	WA	98055
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEBB ELECTRIC COMPANY	34375 W 12 MILE RD	FARMINGTON HILL	MI	48331
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY LLC THE	400 LOCUST STE 300	DES MOINES	IA	50309

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
WELLS & WEST INC	VALLEY VILLAGE SHOPPING C	MURPHY	NC	28906
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WESSELS CONSTRUCTION CO INC	1800 DES PLAINES AVE	FOREST PARK	IL	61030
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN INDUSTRIAL CONTRACTORS INC	5301 JOLIET ST	DENVER	CO	80239
WESTERN SUMMIT CONSTRUCTORS INC	5470 VALLEY HWY	DENVER	CO	80216
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	03234
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WOODS CONSTRUCTION INC	34650 KLEIN	FRASER	MI	48026
WOODWORKERS OF DENVER INC	1475 S ACOMA ST	DENVER	CO	80223
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

Dissolutions

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS
AGAINST PACER CORPORATION, a Missouri corporation.

On October 31, 2002, Pacer Corporation, a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on October 31, 2002.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation, 305 Kimberly Building, 2510 S. Brentwood Boulevard, St. Louis, Missouri 63105, Attention: Paul J. Collins. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim was based occurred, and whether the corporation has been previously notified of the claim, and, if so, when.

NOTICE: Because of the dissolution of Pacer Corporation, any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the notices authorized by statute, whichever is published last.

PACER CORPORATION

By: // Linda S. Hyken
Linda S. Hyken, Vice
President

NOTICE OF WINDING UP OF HEALTHY DELIVERIES, L.L.C.

The Articles of Organization for Healthy Deliveries, L.L.C. were filed with the Missouri Secretary of State on February 23, 1995.

You are hereby notified that if you believe you have a claim against Healthy Deliveries, L.L.C., you must submit your claim in writing to C. Brent Bertram, Associate General Counsel, Blue Cross and Blue Shield of Kansas City, 2301 Main Street, Kansas City, Missouri 64108. Your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date the claim accrued or will accrue.
4. A brief description of the nature of the debt or the basis of the claim and documentation.

All claims against Healthy Deliveries, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE TO THE UNKNOWN CREDITORS OF C.R. CONSTRUCTION, L.L.C.

You are hereby notified that on December 4, 2002, C.R. Construction, L.L.C., a Missouri limited liability company (the "Company"), the principal office of which is located in Platte County, Missouri, filed Articles of Termination with the Secretary of State of Missouri.

In order to file a claim with the Company, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting this claim. All claims must be mailed to:

C.R. Construction, L.L.C.
c/o Alvin Tuller
85 Quail Farm Road
Buffalo, MO 65622

A claim against C.R. Construction, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

Date of publication: _____, 2002

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us.

B1E03095 Pallet Rack System 1/2/03
B1E03139 Handicapped Accessible Van 1/2/03
B1E03140 Restraints & Accessories 1/2/03
B1E03151 Waferboard & Particleboard 1/2/03
B1E03122 Framing Supplies 1/3/03
B1E03138 Police Equipment 1/3/03
B1E03150 Salt, Water Softener-Bulk 1/3/03
B1E03152 Retroreflective Sheeting & Supplies 1/3/03
B1E03157 Plumbing Equipment and Supplies 1/3/03
B3Z03122 Adult Hemoglobinopathy (Sick Cell) Resource Center
1/3/03
B1E03110 Pneumococcal Vaccine 1/6/03
B1E03141 Truck Cab/Chassis w/Dry Freight Body 1/6/03
B1E03142 Truck w/Service Body 1/6/03
B1E03153 Grocery: Pasta 1/6/03
B3E03106 Audit Services-Child/Adult Care Food Program 1/6/03
B3E03124 Trash Collection Services 1/6/03
B1E03113 Equine Antibody Test Kits 1/7/03
B1Z03143 Meats: February 1/7/03
B1E03146 Food Bags 1/7/03
B2E03021 UPS EPS-6225/44,66 Maintenance 1/7/03
B2E03022 Remote Data Loggers 1/7/03
B1E03145 Building Supplies: Lumber and Steel 1/8/03
B3E03103 Security Guard Services 1/8/03
B1E03158 Modular Office 1/13/03
B3E03129 Trash Collection Services-MECC 1/14/03
B2Z03030 Automated Mailing Software & Services 1/15/03
B3Z03112 Publication Design, Production & Printing 1/21/03

It is the intent of the State of Missouri, Division of Purchasing to purchase each of the following as a single feasible source without competitive bids. If suppliers exist other than the ones identified, please call (573) 751-2387 immediately.

Promega PowerPlex DNA Products, supplied by Promega Corporation of Madison, WI.

Call Management System-Remote License, supplied by Perimeter Technology.

Captional Telephone Service-Telecommunication Relay Service, supplied by Sprint.

TRADAS Software Maintenance, supplied by Chaparral Systems Corporation.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 10-11.010	Commissioner of Administration	27 MoReg 1159	27 MoReg 1180	27 MoReg 2079	
1 CSR 15-3.200	Administrative Hearing Commission	27 MoReg 2259	27 MoReg 2266		
1 CSR 20-1.040	Personnel Advisory Board and Division of Personnel		27 MoReg 1861		
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		27 MoReg 1861		
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		27 MoReg 1865		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	27 MoReg 847	27 MoReg 1865		
1 CSR 40-1.090	Purchasing and Materials Management		27 MoReg 1107		This Issue
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		27 MoReg 966	27 MoReg 2082	
2 CSR 30-2.012	Animal Health	27 MoReg 1439			
2 CSR 30-2.020	Animal Health		27 MoReg 967	27 MoReg 2082	
2 CSR 30-2.040	Animal Health		27 MoReg 969	27 MoReg 2084	
2 CSR 30-6.020	Animal Health		27 MoReg 970	27 MoReg 2085	
2 CSR 70-40.015	Plant Industries		27 MoReg 1561R		
	.....		27 MoReg 1561		
2 CSR 70-40.025	Plant Industries		27 MoReg 1562R		
	.....		27 MoReg 1563		
2 CSR 70-40.040	Plant Industries		27 MoReg 1563R		
	.....		27 MoReg 1563		
2 CSR 70-40.045	Plant Industries		27 MoReg 1564		
2 CSR 90-10.040	Weights and Measures	27 MoReg 1161			
2 CSR 90-20.040	Weights and Measures	27 MoReg 1559	27 MoReg 1564	This Issue	
2 CSR 90-22.140	Weights and Measures		27 MoReg 1868		
2 CSR 90-23.010	Weights and Measures		27 MoReg 1868		
2 CSR 90-25.010	Weights and Measures		27 MoReg 1869		
2 CSR 90-30.040	Weights and Measures	27 MoReg 1559	27 MoReg 1565	This Issue	
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 90-36.010	Weights and Measures		27 MoReg 2053R		
	.....		27 MoReg 2053		
2 CSR 90-36.020	Weights and Measures		27 MoReg 2058R		
2 CSR 110-1.010	Office of the Director	27 MoReg 1439	27 MoReg 1443		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		This Issue		
3 CSR 10-4.111	Conservation Commission		27 MoReg 1765	27 MoReg 2303	
3 CSR 10-4.130	Conservation Commission		27 MoReg 971	27 MoReg 1478F	
3 CSR 10-4.141	Conservation Commission		27 MoReg 972	27 MoReg 1478F	
3 CSR 10-5.205	Conservation Commission		27 MoReg 972	27 MoReg 1478F	
3 CSR 10-5.215	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.225	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.340	Conservation Commission		27 MoReg 1182	27 MoReg 1997W	
3 CSR 10-5.345	Conservation Commission		27 MoReg 1184	27 MoReg 1997W	
3 CSR 10-5.351	Conservation Commission		27 MoReg 1186	27 MoReg 1997F	
3 CSR 10-5.359	Conservation Commission		27 MoReg 1188	27 MoReg 1997F	
3 CSR 10-5.360	Conservation Commission		27 MoReg 1190	27 MoReg 1998F	
3 CSR 10-5.365	Conservation Commission		27 MoReg 1192	27 MoReg 1998W	
3 CSR 10-5.420	Conservation Commission		27 MoReg 1194	27 MoReg 1998W	
3 CSR 10-5.440	Conservation Commission		27 MoReg 1196	27 MoReg 1998W	
3 CSR 10-5.445	Conservation Commission		27 MoReg 1198	27 MoReg 1999W	
3 CSR 10-5.460	Conservation Commission		27 MoReg 974	27 MoReg 1479F	
3 CSR 10-5.465	Conservation Commission		27 MoReg 975	27 MoReg 1479F	
3 CSR 10-6.405	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.410	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.415	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.505	Conservation Commission		27 MoReg 1444	27 MoReg 2086F	
3 CSR 10-6.525	Conservation Commission		27 MoReg 1319	27 MoReg 1999	
3 CSR 10-6.540	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.550	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.605	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-7.410	Conservation Commission		27 MoReg 980	27 MoReg 1482F	
3 CSR 10-7.435	Conservation Commission		27 MoReg 1319	27 MoReg 1999	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-7.455	Conservation Commission.....	27 MoReg 980.....	27 MoReg 1482F	..This Issue	
3 CSR 10-8.510	Conservation Commission.....	27 MoReg 981.....	27 MoReg 1482F	..27 MoReg 1902	
3 CSR 10-8.515	Conservation Commission.....	27 MoReg 981.....	27 MoReg 1483F		
3 CSR 10-9.106	Conservation Commission.....	27 MoReg 982.....	27 MoReg 1483F		
3 CSR 10-9.110	Conservation Commission.....	27 MoReg 982.....	27 MoReg 1483F		
3 CSR 10-9.220	Conservation Commission.....	27 MoReg 983.....	27 MoReg 1483F		
3 CSR 10-9.351	Conservation Commission.....	27 MoReg 986.....	27 MoReg 1483F		
3 CSR 10-9.353	Conservation Commission.....	27 MoReg 986.....	27 MoReg 1483F		
	.....27 MoReg 1441.....	27 MoReg 1445			
	.....27 MoReg 1441T				
3 CSR 10-9.359	Conservation Commission.....	27 MoReg 986.....	27 MoReg 1484F		
3 CSR 10-9.425	Conservation Commission.....	27 MoReg 987.....	27 MoReg 1484F		
3 CSR 10-9.560	Conservation Commission.....	27 MoReg 987.....	27 MoReg 1484F		
3 CSR 10-9.565	Conservation Commission.....	27 MoReg 1441.....	27 MoReg 1448		
	.....27 MoReg 1441T				
3 CSR 10-9.566	Conservation Commission.....	27 MoReg 1765.....	27 MoReg 2303F		
3 CSR 10-9.570	Conservation Commission.....	27 MoReg 988.....	27 MoReg 1484F		
3 CSR 10-9.575	Conservation Commission.....	27 MoReg 988.....	27 MoReg 1484F		
3 CSR 10-9.627	Conservation Commission.....	27 MoReg 1766.....	27 MoReg 2303F		
3 CSR 10-9.628	Conservation Commission.....	27 MoReg 1766.....	27 MoReg 2303F		
3 CSR 10-9.630	Conservation Commission.....	27 MoReg 989R.....	27 MoReg 1485F		
3 CSR 10-9.645	Conservation Commission.....	27 MoReg 989.....	27 MoReg 1485F		
3 CSR 10-10.743	Conservation Commission.....	27 MoReg 990.....	27 MoReg 1485F		
3 CSR 10-11.145	Conservation Commission.....	27 MoReg 991.....	27 MoReg 1486F		
3 CSR 10-11.155	Conservation Commission.....	27 MoReg 992.....	27 MoReg 1486F		
3 CSR 10-11.160	Conservation Commission.....	27 MoReg 992.....	27 MoReg 1486F		
3 CSR 10-11.165	Conservation Commission.....	27 MoReg 993.....	27 MoReg 1486F		
3 CSR 10-11.180	Conservation Commission.....	27 MoReg 1451.....	27 MoReg 2086		
3 CSR 10-11.182	Conservation Commission.....	27 MoReg 1452.....	27 MoReg 2086F		
3 CSR 10-11.186	Conservation Commission.....	27 MoReg 995.....	27 MoReg 1487F		
3 CSR 10-11.205	Conservation Commission.....	27 MoReg 996.....	27 MoReg 1487F		
3 CSR 10-11.210	Conservation Commission.....	27 MoReg 996.....	27 MoReg 1487F		
3 CSR 10-11.215	Conservation Commission.....	27 MoReg 997.....	27 MoReg 1487F		
3 CSR 10-12.110	Conservation Commission.....	27 MoReg 998.....	27 MoReg 1488F		
3 CSR 10-12.135	Conservation Commission.....	27 MoReg 1453.....	27 MoReg 2086F		
3 CSR 10-12.140	Conservation Commission.....	27 MoReg 1453.....	27 MoReg 2086F		
3 CSR 10-12.145	Conservation Commission.....	27 MoReg 1454.....	27 MoReg 2087F		
3 CSR 10-20.805	Conservation Commission.....	27 MoReg 1937			
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.022	Missouri State Board of Accountancy.....	27 MoReg 2266			
4 CSR 30-3.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2127			
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2127			
4 CSR 30-4.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2128			
4 CSR 30-4.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2128R			
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2129			
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2132			
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2135			
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 1251.....	27 MoReg 2087		
4 CSR 30-6.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 1255.....	27 MoReg 2087		
4 CSR 30-9.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2135R			
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2135			
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2139			
4 CSR 30-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2144			
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2145			
4 CSR 30-15.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects..	27 MoReg 2145R			
4 CSR 100	Division of Credit Unions.....		27 MoReg 1512		
		27 MoReg 1722		
		27 MoReg 2095		
		27 MoReg 2224		
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10 CSR 70-8.080	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.090	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.100	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.110	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.120	Soil and Water Districts Commission		27 MoReg 2284		

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DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-5.010	Adjutant General	27 MoReg 1249	27 MoReg 1277	27 MoReg 2305	
11 CSR 10-6.010	Adjutant General		27 MoReg 2285		
11 CSR 40-2.010	Division of Fire Safety		27 MoReg 1952R		
			27 MoReg 1953		
11 CSR 40-2.015	Division of Fire Safety		27 MoReg 1954		
11 CSR 40-2.020	Division of Fire Safety		27 MoReg 1954R		
11 CSR 40-2.021	Division of Fire Safety		27 MoReg 1955		
11 CSR 40-2.022	Division of Fire Safety		27 MoReg 1955		
11 CSR 40-2.030	Division of Fire Safety		27 MoReg 1958R		
			27 MoReg 1958		
11 CSR 40-2.040	Division of Fire Safety		27 MoReg 1960R		
			27 MoReg 1960		
11 CSR 40-2.050	Division of Fire Safety		27 MoReg 1961R		
			27 MoReg 1962		
11 CSR 40-2.060	Division of Fire Safety		27 MoReg 1962R		
11 CSR 40-2.061	Division of Fire Safety		27 MoReg 1963		
11 CSR 40-2.062	Division of Fire Safety		27 MoReg 1963		
11 CSR 40-2.064	Division of Fire Safety		27 MoReg 1963		
11 CSR 40-2.065	Division of Fire Safety		27 MoReg 1964		
11 CSR 40-5.020	Division of Fire Safety		This Issue		
11 CSR 40-5.050	Division of Fire Safety		This Issue		
11 CSR 40-5.065	Division of Fire Safety		This Issue		
11 CSR 40-5.070	Division of Fire Safety		This Issue		
11 CSR 40-5.080	Division of Fire Safety		This Issue		
11 CSR 40-5.110	Division of Fire Safety		27 MoReg 1869		
11 CSR 40-5.120	Division of Fire Safety		This Issue		
11 CSR 45-4.060	Missouri Gaming Commission		27 MoReg 1471		
11 CSR 45-4.260	Missouri Gaming Commission		This Issue		
11 CSR 45-5.183	Missouri Gaming Commission		27 MoReg 1110	27 MoReg 2016	
11 CSR 45-5.200	Missouri Gaming Commission		27 MoReg 1785		
11 CSR 45-7.040	Missouri Gaming Commission				26 MoReg 2184
11 CSR 45-30.570	Missouri Gaming Commission		27 MoReg 1110	27 MoReg 2016	
11 CSR 50-2.500	Missouri State Highway Patrol		27 MoReg 2200		
11 CSR 50-2.510	Missouri State Highway Patrol		27 MoReg 2200		
11 CSR 50-2.520	Missouri State Highway Patrol		27 MoReg 2201		
11 CSR 75-13.020	Peace Officer Standards and Training Program		27 MoReg 2202		
11 CSR 75-14.050	Peace Officer Standards and Training Program		27 MoReg 2288		
11 CSR 75-14.080	Peace Officer Standards and Training Program		27 MoReg 2202		
11 CSR 75-15.030	Peace Officer Standards and Training Program		27 MoReg 2203		
DEPARTMENT OF REVENUE					
12 CSR 10-2.045	Director of Revenue		27 MoReg 2203		
12 CSR 10-3.010	Director of Revenue		27 MoReg 2288R		
12 CSR 10-3.038	Director of Revenue		27 MoReg 2288R		
12 CSR 10-3.048	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.088	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.124	Director of Revenue		27 MoReg 2063R		
12 CSR 10-3.148	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.150	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.222	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.226	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.230	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.232	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.370	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.304	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.348	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.356	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.358	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.372	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.422	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.500	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.514	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.532	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.538	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.860	Director of Revenue		27 MoReg 2293R		
12 CSR 10-23.454	Director of Revenue		27 MoReg 1785		
12 CSR 10-24.020	Director of Revenue		27 MoReg 1785		
12 CSR 10-24.050	Director of Revenue		27 MoReg 1472	27 MoReg 2305	
12 CSR 10-24.120	Director of Revenue		27 MoReg 2294		
12 CSR 10-24.190	Director of Revenue		27 MoReg 2294		
12 CSR 10-24.305	Director of Revenue		27 MoReg 2295		
12 CSR 10-24.395	Director of Revenue		27 MoReg 2295		
12 CSR 10-24.430	Director of Revenue		27 MoReg 1280	27 MoReg 2094	
12 CSR 10-24.448	Director of Revenue	This Issue	This Issue		
12 CSR 10-24.472	Director of Revenue		27 MoReg 2295		
12 CSR 10-26.010	Director of Revenue		27 MoReg 1786		
12 CSR 10-26.020	Director of Revenue		27 MoReg 1786		
12 CSR 10-26.060	Director of Revenue		27 MoReg 1964		
12 CSR 10-26.090	Director of Revenue		27 MoReg 1787		
12 CSR 10-41.010	Director of Revenue	27 MoReg 2125	27 MoReg 2209		
12 CSR 10-110.600	Director of Revenue		27 MoReg 2064		
12 CSR 10-110-900	Director of Revenue		27 MoReg 2296		

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12 CSR 10-110.950	Director of Revenue	27 MoReg 2064			
12 CSR 10-111.010	Director of Revenue	27 MoReg 2065			
12 CSR 10-111.060	Director of Revenue	27 MoReg 2068			
12 CSR 30-4.010	State Tax Commission	27 MoReg 250			
12 CSR 40-50.010	State Tax Commission	27 MoReg 1787			
12 CSR 40-80.080	State Tax Commission	27 MoReg 1787			
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 40-2.140	Division of Family Services	27 MoReg 1163	27 MoReg 1203	27 MoReg 2094	
13 CSR 40-2.375	Division of Family Services	27 MoReg 1164	27 MoReg 1204	27 MoReg 2094	
13 CSR 40-19.020	Division of Family Services	27 MoReg 1858	27 MoReg 1872		
13 CSR 40-30.020	Division of Family Services	27 MoReg 2265	27 MoReg 2299		
13 CSR 40-30.030	Division of Family Services	27 MoReg 1164	27 MoReg 1206	27 MoReg 2222W	
13 CSR 40-31.025	Division of Family Services		This Issue		
13 CSR 70-3.020	Division of Medical Services	27 MoReg 1472			
13 CSR 70-10.015	Division of Medical Services	27 MoReg 1473	27 MoReg 2306		
13 CSR 70-10.150	Division of Medical Services	27 MoReg 2051	27 MoReg 2069		27 MoReg 1125
13 CSR 70-15.040	Division of Medical Services	27 MoReg 1168	27 MoReg 1210	27 MoReg 2306	
13 CSR 70-15.160	Division of Medical Services	27 MoReg 1169	27 MoReg 1213	27 MoReg 2308	
13 CSR 70-15.170	Division of Medical Services	27 MoReg 1170			
13 CSR 70-20.031	Division of Medical Services	27 MoReg 1170	27 MoReg 1215	27 MoReg 2310	
13 CSR 70-20.032	Division of Medical Services	27 MoReg 1171	27 MoReg 1215	27 MoReg 2310	
13 CSR 70-20.034	Division of Medical Services	27 MoReg 1172	27 MoReg 1216	27 MoReg 2310	
13 CSR 70-20.320	Division of Medical Services	27 MoReg 1173	27 MoReg 1320	This Issue	
13 CSR 70-26.010	Division of Medical Services	27 MoReg 1477	27 MoReg 2311		
13 CSR 70-35.010	Division of Medical Services	27 MoReg 1174	27 MoReg 1324		
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13 CSR 70-40.010	Division of Medical Services	27 MoReg 1176	27 MoReg 1326		
13 CSR 70-60.010	Division of Medical Services	27 MoReg 2209			
13 CSR 70-65.010	Division of Medical Services	27 MoReg 2213			
13 CSR 70-70.010	Division of Medical Services	27 MoReg 2215			
ELECTED OFFICIALS					
15 CSR 30-3.010	Secretary of State	27 MoReg 1933	27 MoReg 2072		
15 CSR 30-8.010	Secretary of State	27 MoReg 1934T			
	..... 27 MoReg 1934	27 MoReg 2074			
15 CSR 30-8.020	Secretary of State	27 MoReg 1935	27 MoReg 2076		
15 CSR 30-9.040	Secretary of State	27 MoReg 1936	27 MoReg 2078		
15 CSR 30-50.030	Secretary of State	This Issue			
15 CSR 30-51.160	Secretary of State	27 MoReg 1788			
15 CSR 30-52.010	Secretary of State	27 MoReg 1788R			
	..... 27 MoReg 1788				
15 CSR 30-52.015	Secretary of State	27 MoReg 1789			
15 CSR 30-52.020	Secretary of State	27 MoReg 1789R			
	..... 27 MoReg 1790				
15 CSR 30-52.025	Secretary of State	27 MoReg 1790			
15 CSR 30-52.030	Secretary of State	27 MoReg 1791R			
	..... 27 MoReg 1791				
15 CSR 30-52.040	Secretary of State	27 MoReg 1792R			
15 CSR 30-52.050	Secretary of State	27 MoReg 1792R			
15 CSR 30-52.060	Secretary of State	27 MoReg 1792			
15 CSR 30-52.070	Secretary of State	27 MoReg 1792R			
15 CSR 30-52.080	Secretary of State	27 MoReg 1793R			
15 CSR 30-52.100	Secretary of State	27 MoReg 1793R			
	..... 27 MoReg 1793				
15 CSR 30-52.110	Secretary of State	27 MoReg 1794R			
15 CSR 30-52.120	Secretary of State	27 MoReg 1794R			
	..... 27 MoReg 1794				
15 CSR 30-52.130	Secretary of State	27 MoReg 1795R			
15 CSR 30-52.140	Secretary of State	27 MoReg 1795R			
15 CSR 30-52.150	Secretary of State	27 MoReg 1795R			
15 CSR 30-52.160	Secretary of State	27 MoReg 1796R			
15 CSR 30-52.180	Secretary of State	27 MoReg 1796R			
15 CSR 30-52.190	Secretary of State	27 MoReg 1796R			
15 CSR 30-52.200	Secretary of State	27 MoReg 1797R			
	..... 27 MoReg 1797				
15 CSR 30-52.210	Secretary of State	27 MoReg 1797R			
15 CSR 30-52.230	Secretary of State	27 MoReg 1797R			
15 CSR 30-52.250	Secretary of State	27 MoReg 1798R			
15 CSR 30-52.260	Secretary of State	27 MoReg 1798R			
	..... 27 MoReg 1798				
15 CSR 30-52.271	Secretary of State	27 MoReg 1799R			
15 CSR 30-52.272	Secretary of State	27 MoReg 1799R			
15 CSR 30-52.273	Secretary of State	27 MoReg 1799R			
15 CSR 30-52.275	Secretary of State	27 MoReg 1800R			
	..... 27 MoReg 1800R				
15 CSR 30-52.280	Secretary of State	27 MoReg 1800R			
	..... 27 MoReg 1801				
15 CSR 30-52.290	Secretary of State	27 MoReg 1801R			
15 CSR 30-52.300	Secretary of State	27 MoReg 1801R			
 27 MoReg 1801				

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15 CSR 30-52.310	Secretary of State		27 MoReg 1802R		
		27 MoReg 1802		
15 CSR 30-52.320	Secretary of State		27 MoReg 1803R		
	.....		27 MoReg 1803		
15 CSR 30-52.330	Secretary of State		27 MoReg 1803R		
	.....		27 MoReg 1804		
15 CSR 30-52.340	Secretary of State		27 MoReg 1804		
15 CSR 30-52.350	Secretary of State		27 MoReg 1804R		
15 CSR 30-90.010	Secretary of State		27 MoReg 1965		
15 CSR 30-90.020	Secretary of State		27 MoReg 1965		
15 CSR 30-90.030	Secretary of State		27 MoReg 1966		
15 CSR 30-90.040	Secretary of State		27 MoReg 1966		
15 CSR 30-90.050	Secretary of State		27 MoReg 1966		
15 CSR 30-90.060	Secretary of State		27 MoReg 1967		
15 CSR 30-90.070	Secretary of State		27 MoReg 1967		
15 CSR 30-90.075	Secretary of State		27 MoReg 1967		
15 CSR 30-90.076	Secretary of State		27 MoReg 1968		
15 CSR 30-90.080	Secretary of State		27 MoReg 1968		
15 CSR 30-90.090	Secretary of State		27 MoReg 1968		
15 CSR 30-90.100	Secretary of State		27 MoReg 1969		
15 CSR 30-90.105	Secretary of State		27 MoReg 1969		
15 CSR 30-90.110	Secretary of State		27 MoReg 1970		
15 CSR 30-90.120	Secretary of State		27 MoReg 1970		
15 CSR 30-90.130	Secretary of State		27 MoReg 1971		
15 CSR 30-90.140	Secretary of State		27 MoReg 1971		
15 CSR 30-90.150	Secretary of State		27 MoReg 1971		
15 CSR 30-90.160	Secretary of State		27 MoReg 1972		
15 CSR 30-90.170	Secretary of State		27 MoReg 1972		
15 CSR 30-90.180	Secretary of State		27 MoReg 1972		
15 CSR 30-90.190	Secretary of State		27 MoReg 1973		
15 CSR 30-90.200	Secretary of State		27 MoReg 1973		
15 CSR 30-90.201	Secretary of State		27 MoReg 1973		
15 CSR 30-90.202	Secretary of State		27 MoReg 1973		
15 CSR 30-90.203	Secretary of State		27 MoReg 1974		
15 CSR 30-90.204	Secretary of State		27 MoReg 1974		
15 CSR 30-90.210	Secretary of State		27 MoReg 1974		
15 CSR 30-90.220	Secretary of State		27 MoReg 1975		
15 CSR 30-90.230	Secretary of State		27 MoReg 1975		
15 CSR 30-90.240	Secretary of State		27 MoReg 1976		
15 CSR 30-200.030	Secretary of State	27 MoReg 2215	27 MoReg 2217		
RETIREMENT SYSTEMS					
16 CSR 10-5.080	The Public School Retirement System of Missouri		27 MoReg 1280	.....	This Issue
16 CSR 10-6.065	The Public School Retirement System of Missouri		27 MoReg 1281	.....	This Issue
16 CSR 40-3.130	Highway and Transportation Employees and Highway Patrol Retirement System		27 MoReg 2219		
16 CSR 50-10.030	The County Employees' Retirement Fund		27 MoReg 2219		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 10-4.020	Office of the Director	This Issue			This Issue
19 CSR 10-5.010	Office of the Director	This Issue	27 MoReg 1976		
19 CSR 10-10.050	Office of the Director		27 MoReg 1988		
19 CSR 20-20.020	Office of the Director				This Issue
19 CSR 20-28.010	Division of Environmental Health and Communicable Disease Prevention		27 MoReg 1874		
19 CSR 60-50	Missouri Health Facilities Review			27 MoReg 1826	
	.....			27 MoReg 2020	
	.....			27 MoReg 2224	
	.....				This Issue
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice		25 MoReg 597		
	.....		26 MoReg 599		
	.....		27 MoReg 415		
	Sovereign Immunity Limits		26 MoReg 75		
	.....		27 MoReg 41		
	.....		27 MoReg 2319		
20 CSR 100-1.010	Division of Consumer Affairs	27 MoReg 1327	.....	27 MoReg 2311	
20 CSR 100-1.020	Division of Consumer Affairs	27 MoReg 1328	.....	27 MoReg 2311	
20 CSR 100-1.060	Division of Consumer Affairs	27 MoReg 2300			
20 CSR 100-1.200	Division of Consumer Affairs	27 MoReg 1328	.....	27 MoReg 2311	
20 CSR 100-6.110	Division of Consumer Affairs	27 MoReg 1988			
20 CSR 200-1.010	Financial Examination	27 MoReg 1329	.....	27 MoReg 2311	
20 CSR 200-2.700	Financial Examination	27 MoReg 1329			
20 CSR 200-3.300	Financial Examination	27 MoReg 1330	.....	27 MoReg 2311	
20 CSR 200-6.100	Financial Examination	27 MoReg 1330			
20 CSR 200-6.300	Financial Examination	27 MoReg 1333	.....	27 MoReg 2312	
20 CSR 200-6.500	Financial Examination	27 MoReg 1333	.....	27 MoReg 2312	
20 CSR 200-8.100	Financial Examination	27 MoReg 1334			
20 CSR 200-10.200	Financial Examination	27 MoReg 1341	27 MoReg 2312	
20 CSR 300-2.200	Market Conduct Examinations	27 MoReg 1341			

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20 CSR 400-1.010	Life, Annuities and Health		27 MoReg 1343	27 MoReg 2312	
20 CSR 400-1.020	Life, Annuities and Health		27 MoReg 1344	27 MoReg 2312	
20 CSR 400-1.030	Life, Annuities and Health		27 MoReg 1345	27 MoReg 2312	
20 CSR 400-1.150	Life, Annuities and Health		27 MoReg 1347	27 MoReg 2312	
20 CSR 400-2.010	Life, Annuities and Health		27 MoReg 1352	27 MoReg 2313	
20 CSR 400-2.060	Life, Annuities and Health		27 MoReg 1352	27 MoReg 2313	
20 CSR 400-2.090	Life, Annuities and Health		27 MoReg 1352	27 MoReg 2313	
20 CSR 400-2.130	Life, Annuities and Health		27 MoReg 1353	27 MoReg 2313	
20 CSR 400-3.650	Life, Annuities and Health		27 MoReg 1362		
20 CSR 400-4.100	Life, Annuities and Health		27 MoReg 1369	27 MoReg 2313	
20 CSR 400-5.100	Life, Annuities and Health		27 MoReg 1371	27 MoReg 2313	
20 CSR 400-5.200	Life, Annuities and Health		27 MoReg 1371	27 MoReg 2314	
20 CSR 400-5.300	Life, Annuities and Health		27 MoReg 1372	27 MoReg 2314	
20 CSR 400-5.400	Life, Annuities and Health		27 MoReg 1372		
20 CSR 400-5.500	Life, Annuities and Health		27 MoReg 1376	27 MoReg 2314	
20 CSR 400-5.600	Life, Annuities and Health		27 MoReg 1376	27 MoReg 2314	
20 CSR 400-5.700	Life, Annuities and Health		27 MoReg 1380	27 MoReg 2314	
20 CSR 400-7.030	Life, Annuities and Health		27 MoReg 1380	27 MoReg 2314	
20 CSR 400-7.050	Life, Annuities and Health		27 MoReg 1381	27 MoReg 2315	
20 CSR 400-7.095	Life, Annuities and Health		27 MoReg 1989R		
	.....		27 MoReg 1989		
20 CSR 500-1.100	Property and Casualty		27 MoReg 1381	27 MoReg 2315	
20 CSR 500-1.210	Property and Casualty		27 MoReg 2219		
20 CSR 500-1.300	Property and Casualty		27 MoReg 1382	27 MoReg 2315	
20 CSR 500-1.700	Property and Casualty		27 MoReg 1383	27 MoReg 2315	
20 CSR 500-2.300	Property and Casualty		27 MoReg 1383	27 MoReg 2315	
20 CSR 500-2.400	Property and Casualty		27 MoReg 1384	27 MoReg 2315	
20 CSR 500-4.100	Property and Casualty		27 MoReg 1385	27 MoReg 2315	
20 CSR 500-4.300	Property and Casualty		27 MoReg 1385	27 MoReg 2316	
20 CSR 500-4.400	Property and Casualty		27 MoReg 1388R	27 MoReg 2316R	
20 CSR 500-6.100	Property and Casualty		27 MoReg 1388	27 MoReg 2316	
20 CSR 500-6.960	Property and Casualty	27 MoReg 848R	27 MoReg 905R		
	.....	27 MoReg 849	27 MoReg 906	27 MoReg 2223	
	.....		27 MoReg 2220R		
20 CSR 500-10.100	Property and Casualty		27 MoReg 2220		
20 CSR 600-1.020	Statistical Reporting		27 MoReg 1996		
20 CSR 600-2.100	Statistical Reporting		27 MoReg 1389	27 MoReg 2316	
20 CSR 600-2.110	Statistical Reporting		27 MoReg 1389		
20 CSR 600-2.200	Statistical Reporting		27 MoReg 1390	27 MoReg 2316	
20 CSR 700-1.010	Licensing		27 MoReg 1390		
20 CSR 700-1.020	Licensing		27 MoReg 1391	27 MoReg 2317	
20 CSR 700-1.025	Licensing		27 MoReg 1393		
20 CSR 700-1.030	Licensing		27 MoReg 1393	27 MoReg 2317	
20 CSR 700-1.040	Licensing		27 MoReg 1394	27 MoReg 2317	
20 CSR 700-1.050	Licensing		27 MoReg 1394	27 MoReg 2317	
20 CSR 700-1.060	Licensing		27 MoReg 1394	27 MoReg 2317	
20 CSR 700-1.090	Licensing		27 MoReg 1395	27 MoReg 2317R	
20 CSR 700-1.100	Licensing		27 MoReg 1395		
20 CSR 700-1.110	Licensing		27 MoReg 1398		
20 CSR 700-1.120	Licensing		27 MoReg 1399	27 MoReg 2318	
20 CSR 700-1.130	Licensing		27 MoReg 1399		
20 CSR 700-1.135	Licensing		27 MoReg 1400R	27 MoReg 2318R	
20 CSR 700-1.140	Licensing		27 MoReg 1400		
20 CSR 700-1.150	Licensing		27 MoReg 1404		
20 CSR 700-3.100	Licensing		27 MoReg 1404R	27 MoReg 2318R	
20 CSR 700-7.100	Licensing		27 MoReg 1405	27 MoReg 2318	

Emergency Rules in Effect as of January 2, 2003

Expires

Office of Administration

Commissioner of Administration

- 1 CSR 10-11.010 State of Missouri Travel RegulationsFebruary 27, 2003
Administrative Hearing Commission
1 CSR 15-3.200 Subject MatterMay 30, 2003

Department of Agriculture

Plant Industries

- 2 CSR 30-2.012 Requirements for Captive Elk Entering Missouri During September 1 through
September 30, 2002February 1, 2003
2 CSR 70-13.045 Registration of ApiariesJanuary 30, 2003
2 CSR 70-13.050 Cotton/Bee Protection AreaJanuary 30, 2003

Weights and Measures

- 2 CSR 90-20.040 *NIST Handbook 130*, "Uniform Regulations for the Method of Sale of Commodities"March 9, 2003
2 CSR 90-30.040 Quality Standards for Motor FuelsMarch 9, 2003

Office of the Director

- 2 CSR 110-1.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing,
Bonding, and Application for Grants; Procedures for Grant Disbursements; Record Keeping
Requirements, and Verification Procedures for the Missouri Qualified Fuel Ethanol Producer
Incentive ProgramFebruary 23, 2003

Department of Conservation

Conservation Commission

- 3 CSR 10-9.353 Privileges for Class I and Class II Wildlife BreedersFebruary 10, 2003
3 CSR 10-9.565 Licensed Hunting Preserve: PrivilegesFebruary 10, 2003

Department of Economic Development

Division of Motor Carrier and Railroad Safety

- 4 CSR 265-2.070 ComplaintsMay 30, 2003
4 CSR 265-2.080 PleadingsMay 30, 2003
4 CSR 265-2.085 Dismissal of CasesMay 30, 2003
4 CSR 265-2.090 Discovery and PrehearingsMay 30, 2003
4 CSR 265-2.100 Subpoenas and Formal InvestigationsMay 30, 2003
4 CSR 265-2.110 HearingsMay 30, 2003
4 CSR 265-2.115 ContinuancesMay 30, 2003
4 CSR 265-2.116 InterventionsMay 30, 2003
4 CSR 265-2.120 EvidenceMay 30, 2003
4 CSR 265-2.130 Briefs and Oral ArgumentMay 30, 2003
4 CSR 265-2.140 Decisions of the DivisionMay 30, 2003
4 CSR 265-2.150 RehearingsMay 30, 2003
4 CSR 265-4.010 Gratuities and Private EmploymentMay 30, 2003
4 CSR 265-4.020 Conduct During ProceedingsMay 30, 2003

Department of Public Safety

Adjutant General

- 11 CSR 10-5.010 Missouri World War II Veterans' Recognition ProgramFebruary 27, 2003

Department of Revenue

Director of Revenue

- 12 CSR 10-24.448 Proof of Identity and Proof of Social Security Number
Required for Issuance of a Driver or Nondriver LicenseJune 23, 2003
12 CSR 10-41.010 Annual Adjusted Rate of InterestJune 29, 2003

Department of Social Services

Division of Family Services

- 13 CSR 40-19.020 Low Income Home Energy Assistance ProgramMarch 31, 2003
13 CSR 40-30.020 Attorney Fees in Termination of Parental Rights CasesJune 11, 2003

Division of Medical Services

- 13 CSR 70-10.150 Enhancement PoolsMay 6, 2003
13 CSR 70-15.040 Inpatient Hospital and Outpatient Hospital SettlementsFebruary 27, 2003
13 CSR 70-15.160 Prospective Outpatient Hospital Services Reimbursement MethodologyFebruary 27, 2003
13 CSR 70-15.170 Enhanced Disproportionate Share Payment to Trauma Hospitals for the Cost
of Care to the Uninsured Provided by Physicians Not Employed by the HospitalFebruary 27, 2003

13 CSR 70-40.010 Optical Care Benefits and Limitations—Medicaid ProgramFebruary 27, 2003

Elected Officials

Secretary of State

15 CSR 30-3.010 Voter Identification AffidavitApril 18, 2003
 15 CSR 30-8.010 Provisional Ballots and EnvelopesApril 18, 2003
 15 CSR 30-8.020 Procedures to Determine Eligibility for Provisional Ballots to Be CountedApril 28, 2003
 15 CSR 30-9.040 Write-In StickersApril 18, 2003
 15 CSR 30-200.030 Public Access Computers in Public LibrariesApril 29, 2003

Department of Health and Senior Services

Office of the Director

19 CSR 10-4.020 J-1 Visa Waiver ProgramJune 23, 2003

Division of Environmental Health and Communicable Disease Prevention

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational DiseasesJune 23, 2003

Missouri Health Facilities Review Committee

19 CSR 60-50.300 Definitions for the Certificate of Need ProcessJune 29, 2003
 19 CSR 60-50.300 Definitions for the Certificate of Need ProcessJune 29, 2003
 19 CSR 60-50.400 Letter of Intent ProcessJune 29, 2003
 19 CSR 60-50.400 Letter of Intent ProcessJune 29, 2003
 19 CSR 60-50.410 Letter of Intent PackageJune 29, 2003
 19 CSR 60-50.410 Letter of Intent PackageJune 29, 2003
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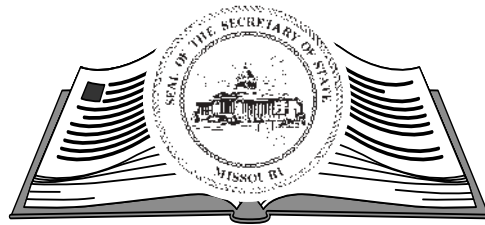
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